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International Court of Justice

H0192-0002

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Official Transcript of the International Military Tribunal in the matter of the United States of American, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 30 July 1946, 1000-1700, Lord Justice Lawrence presiding.

GENERAL RUDENKO: Gentlemen of the Tribunal:

I have already indicated in my Opening Statement that the action of deporting civilians: men, women and children for forced labor into Germany, was one of the most important in the chain of heinous crimes committed by the germano-fascist usurpers.

The decisive role in this sinister crime was enacted by the defendant Fritz Sauckel.

During cross-examination in this court-room defendant Sauckel could not help but admit that during the war about 10 million enslaved laborers originating from both occupied territories and from the ranks of prisoners of war, were utilized in German industrial undertakings and also partly for German agricultural labor.

Whilst admitting the deportation to Germany and the utilization for the war industry of Hitlerite Germany of millions of workers from the occupied territories, Sauckel denied the criminal character of this action, affirming that the recruiting of labor was allegedly carried out on a voluntary basis.

This assertion is not only a lie but a slander against the millions of honest patriots of the Soviet Union, of Czechoslovakia, Yugoslavia, Poland, France and Holland, who, devoted to their country, were forcibly sent for labor into Hitlerite Germany.

The attempts of defendant Sauckel to depict his part of plenipotentiary general for the utilization of manpower as merely consisting of coordinating and controlling other government labor organizations are futile. As the Plenipotentiary general for labor employment, Sauckel was invested by Hitler with supreme and all-encompassing powers, and was, in his activity, directly and personally subordinate to Goering.

And Sauckel extensively used these full powers in order to deport to

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Germany labor from occupied territories.

There is no need to refer to the extensive documentary evidence presented to the Tribunal and which irrefutably establishes the criminal character of the methods of mass deportation into slavery of the population of occupied territories as well as the role of the defendant Sauckel in organizing these crimes. How far these crimes extended is shown in the operation carried out by the German military and civil authorities, and ciphered under the name "Seno" which provided for the forced deportation of Ukrainian girls destined by Hitler for Germanisation.

The defendant Sauckel has tried to assure the Tribunal that he had strictly complied with the demands of the Geneva and Hague Conventions concerning utilization of labor of prisoners of war. However his own instructions fully expose his lies.

The defendant Sauckel had planned beforehand the forced utilization of Soviet war prisoners for the war industry in Germany and never made any difference between them and the civilian labor forces.

The inhuman conditions under which the foreign workers and prisoners of war deported for slavery lived, are testified to by the numerous documents submitted as evidence.

The defendant Sauckel himself was obliged to admit that foreign workers were kept in camps behind barbed wire and were obliged to wear special identifyin badges.

The witness Dr. Wilhelm Eger summoned to the Tribunal by counsel for the defense was obliged to give an awful picture of the conditions under which the enslaved workers at Krupp's works lived.

After all this, the deposition of the other witness Fritz Wishofer seems ridiculous because trying to excuse Sauckel, he manifestly overdid it by informing the Tribunal that he allegedly saw foreign workers walking and enjoying themselves in the Prater in Vienna.

The defendant Sauckel showed great activity in committing all these crimes. In April 1943, he personally visited the towns of Rowno, Kiev, Dniepropetrovsk, Saporozhie, Simferopol, Minsk, Riga and in June of the same year - Prague, Cracow and again Kiev, Saporozhie and Melitopol in order to force the deportation of lab

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And it was as a result of his journey to the Ukraine in 1943 that Sauckel expressed his gratitude for the successful mobilization of labor forces, to the Reichskommissar of the Ukraine Koch, known for the drastically cruel measures which he applied with regard to the Ukrainian population.

And it is not mere chance that the criminal activity of Sauckel was so highly appreciated in Hitlerite Germany.

On 6th August 1942 the defendant Goering declared at the conference of the Reichskommissars for the occupied territories:

"I do not wish to praise Gauleiter Sauckel. (He does not need it. But what he has done in this short time in order to gather workers rapidly and to have them brought to our enterprises is a unique achievement. I must tell everybody, gentlemen, that if each of you applied but the tenth part of the energy which Gauleiter Sauckel applied in his sphere, it would be easy indeed to fulfil the tasks imposed upon you....."

In the article published in the Reichsarbeitsblatt for 1944 and dedicated to the 50 anniversary of Sauckel it was said:

"True to his political task, he pursues his responsible course with unyielding consistency and steadfastness, with a fanatical belief. As one of the most faithful adherents of Hitler, he gathers his creative and spiritual strength from the Fuehrer's trust in him."

When estimating the criminal activity of Sauckel, Your Honors will surely consider the tears shed by the millions of people who languished in German slavery, of the thousands of people tortured in inhuman conditions in the workers' camps - they will consider this and will judge accordingly.

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The defendant Arthur Seyss-Inquart was appointed by Hitler Chief of the civil administration in Southern Poland at the beginning of September 1939 and since 12 October of the same year -Deputy Governor General of Poland. He held this post till May 1940.

Over a period of seven months Seyss-Inquart personally, under the leadership of Frank and jointly with him established a regime of terror in Poland, and took an active part in elaborating and realizing the plans for the extermination of amny thousands of people, for the economic plunder and enslavement of the people of the Polish state.

Transc. 16-1-46 ev. sess. p. 24

On 17 November, 1939, Seyss-Inquart addressed the chiefs of the administration and departments of the WarsawGovernment. He mentioned among other things, that when the German administration acted in the General Government "its leading principle must be -the interests of the German Reich. By means of a severe and unrelenting administration this region must be utilized for German economy, and in order not to show any unnecessary charity, one must remember how the Polish race usurped the German territory."

same transcript pp. 33-34

Two days later Seyss-Inquart instructed the Lublin Governor Brigadenfuehrer Schmidt on the same question in the following way :"The resources and the inhabitants of this country must serve Germany, and they may prosper only within these limits. The development of independent political thinking cannot be permitted. Perhaps the Vistula will have an even greater significance for the fate of Germany than the Rhein."

The report on the official journey of Seyss-Inquart establishes that the governor of Warsaw Fischer informed the defendant that all valuables of the Warsaw bank in gold, precious metals and bills of exchange were transferred to the Reichsbank, whilst the Polish inhabitants were obliged to leave their depostis in the banks; that he was informed that the German administration was employing forced labor; that the Lublin Governor Schmidt declared in the presence of Seyss-Inquart :

PS-2278 US-487

"This territory with its strongly marked swampy nature could serve as a region for the Jews, where conditions could be created to shoot every tenth Jew."

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I draw the attention of the Tribunal to the fact that it was exactly at Maidanek near Lublin that the Hitlerite henchmen created an enormous death concern in which they exterminated about one million and a half of human beings.

Doc. of Def. v.I p. 125

It is also known that Seyss-Inquart, as Frank's deputy, fulfilled on his behalf so-called "special tasks".

On 8th December 1939, Seyss-Inquart participated in a conference on the following subjects : the appointment of Frank as authorized plenipotentiary for the 4 Year Plan and the tasks of the Governor-General "to obtain from the economy of the Government-General all that is best and useful for the Reich"; on the numerous trains of Jews and Poles which had arrived since the 1st December from the re-annexed territories, and that these transportations would continue -according to Obergruppenfuehrer SS Krueger- till the middle of December; the issue of supplementary order extending labour recruitement to persons of the age of 14 to 18 years.

USSR-223 PS-2233

USSR-223

On 21st April 1940 the defendant took part in the conference at which measures for forced deportation of Polish workers to Germany were elaborated.

On 16 May 1940 the defendant participated in the elaboration of the AB operation, which was nothing but a plan of wilful mass extermination of the Polish intelligensia.

Transc. 16.1.46 ev. pp. 25-26

In connection with the appointment of Seyss-Inquart as Reichskommissar for the Netherlands, Frank and his worthy deputy exchanged farewell speeches :

"I am exceedingly glad, said Frank, to assure you that the memory of your work in the Government General will live forever when the future world Reich of the German nation will be created ...."

"I have, Seyss-Inquart replied, learned much here above all about the initiative and firm leadership of the kind I saw in my friend, Dr. Frank.

.... All my thoughts are connected with the East. In the East we have a National-Socialist mission, in the West we have functions."

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The function of Seyss-Inquart in the West, as the functions of other Reich ministers and Kommissars in all territories occupied by the Germans are well known : it was the function of henchman and plunderer.

My colleagues have given the details about the criminal part played by Seyss-Inquart when annexing Austria and realizing other aggressive plans of the Hitlerite conspiracy; they have clearly shown how Seyss-Inquart applied in the Netherlands the Sanguinary experiment, learned by him whilst collaborating with Frank in Poland. For this reason I may fully support the charges against Seyss-Inquart as they are formulated in the Indictment.

As early as 1932, whilst still Reichschancellor of the German republic, the defendant Franz von Papen actively contributed to the development of the fascist movement in Germany.

Papen rescinded the decree of his predecessor Bruening prohibiting the activities of the SA storm units. It was he who overthrew the Braun-Severing social-democratic government in Prussia. These measures strengthened greatly the position of the fascists and contributed to their accession to power.

In this manner Papen cleared the way for Hitler. Having secured the power for the Nazis, Papen himself assumed the post of Vice-Chancellor in Hitler's cabinet. In this capacity von Papen participated in the elaboration and the promulgation of a series of legislative acts which aimed at the consolidation of German fascism.

And later on, during the course of many years, and until the collapse of Hitlerite Germany, von Papen remained true to his fascist friends and participated to the utmost of his abilities in the realization of the criminal conspiracy.

The defendant von Papen is attempteing now to explain away his role in the development of the Nazi movement and in Hitler's rise to power by the political situation of the country which, according to him, made Hitler's accession to power unavoidable.

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The real motives which guided von Papen are that actually he himself was a convinced fascist devoted to Hitler.

Speaking at Essen on the 2 November 1933, during the election campaign Papen declared

Transc. 23-1-46 evening sess. p. 14

"From the time that destiny called upon me to become the pioneer of the national reawakening and rebirth of our Fatherland, I strove with all my might to support the work of the national-socialist movement and all of its leaders. Just as I pronounced myself, when I became chancellor, for paving the way for the young shock movement of liberation, just as on the 30th January I was chosen by a merciful providence to transfer the power to the hands of our Chancellor and Fuehrer, so today I felt it incumbent upon me to tell the German nation and all those who have kept their trust in me : merciful God has blessed Germany by giving her, in the days of deep distress, a leader with the reliable intuition of a statesman, who will lead her through all misfortunes and weaknesses, through all crisis and dangers to a happy future."

The International Military Tribunal will appreciate to the full the criminal activity of the defendant von Papen, who played a decisive part in the seizure of power by Hitler and, in doing so, contributed to the creation of the dark powers of nazism who brought sanguinary wars on the world and caused immumerable calamities.

Long before the Nazi came to power the architect, Albert Speer, was a personal friend of the architect's draftsman, Hitler and remained one till the end. Not only common professional interests but political interests brought them together. Speer began his career in 1932 with the reconstruction of the "Brown House" -the headquarters of NSDAP in Berlin, and 10 years' latter he was at the head of all the military constructions and war production in Fascist Germany. Starting with the onstruction of the Reichs "Parteitag", Speer ended by setting up the "Atlantic Wall".

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Speer held an important post in the government and military machinery of Hitler's Germany andplayed a direct and active part in pla ning and bringing into effect the criminal conspiracy.

What is Speer's "line of defense" at the trial ? Speer presents his case in the following way ; he was pressed upon by Hitler to take on the post of minister; he was a closer friend of Hitler's, but he knew nothin about his plans; he was a member of the Nazi party for 14 years, but he stood far from politics and had never even read "Mein Kampf". It is true, that upon being given the lie Speer confessed that he had lied during his preliminary interrogation.

USA-575
Ps-3568

Speer lied whan he denied that he had never belonged to the SA, and then to the SS. The Tribunal possesses the original file of the SS man Albert Speer, who belonged to the personal staff of the SS Reichsfuehrer SS Himmler.

Speer held also a rather high rank in the Nazi party. In the party chancellery, he was delegate for all technical problems he headed the chief technical admini tration of the party, he directed the union of German National Socialist technicians, he was plenipotentiary on the Staff of Rudolf Hess and a leader of one of the major German Labor Front organizations.

After all this can Speer's declaration that he was a apolitical specialist be taken into consideration ? In reality, as a close collaborator of Hitler, Hess, Ley and Goering, he directed the German technique not only as Reichsminister, but also as a Nazi political leader.

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1435-PS
Transc. 21-6-46 m. sess. p. 43-82 ev. sess. p. 20-82
USSR-480
USSR-482
USSR-483

Upon succeeding to Todt, Speer, as he expressed himself in his speech before the Gauleiters, devoted himself completely to the solution of war problems. By means of the pitiless exploitations of the population in the occupied territories and of the prisoners of war of the allied countries, at the expense of the health and lives of hundreds of thousands of people, Speer increased the production of armament and ammunition for the German army. By plundering the raw materials and other resources of the occupied territories, Speer increased the war potential of Hitler's Germany. His powers grew with every month of the war. By Hitler's Decree of 2 September 1943 Speer became plenipotentiary and responsible for the supply of raw materials, for the direction and production of war industry. He was even commissioned to regulate the turnover of commodities and by Hitler's Decree of August 24, 1944 Speer was practically made dictotor of all German Authorities in Germany as well as in the occupied territories whose activity was in any way connected with the strenghtening of German military power. And when the Fascist flyers bombed peaceful towns and villages, killing women, old men and children, when the german artillery shelled Leningrad with heavy artillery, when the Hitlerite pirates sank hospital ships, when the "V" bombs destroyed town in England, all this was as a result of Speer's activity. Under his leadership, the production of gas and of other means of chemical warfare was widely increased. The defendant himself, when interrogated by Justice Jackson at the trial, confessed three factories were turning out products for chemical warfare and that they were working at full speed till November 1944.

Doc. def. p. 119

Speer not only knew of the methods used by Sauckel for deporting to slave labor the populations of the occupied territories, but he himself took part, together with Sauckel, in conferences with Hitler and on the "Central Planning Board", where decisions were taken to deport millions of people to Germany from the occupied territories.

Doc. Def. v. II, p. 123
USA-179
USA-225
PS-1292

H0192 - 0011

Doc. Def.
v. II, p. 88
Transc.
12.XII 45
p. 31 & 88
& USA-179

Speer kept up a close contact with Himmler; He received from Himmler prisoners for work in war factories; branches of concentration camps were organized in many factories subordinated to Speer; in recognition of Himmler's services Speer supplied the SS with expertenced specialist and with supplementary war equipment,

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Speer has said a lot here about his having sharply criticized Hilter's environment, that he had allegedly had very serious dissesions with Hitler and that in his lett r to Hitler he had written about the uselessness of continuing the war. When the representative of the Soviet Prosecution asked Speer: which of the persons close to Hitler he had criticized and in what connection, the defendant asnwered: "I shall not tell you".

It is quite evidence that Speer no only did not want, but could not tell it, for the simple reason that he had never criticized anyone who was close to Hitler, Moreover, he could not criticize them as he was a convinced Nazi himself, and belonged to this close environment. As to the so-called "serious dissesions", they began as Speer admitted, when it became clear to him that Germany had lost the war. Speer's letters to Hitler are dated March 1945. At that time Speer could, without great rist, depict Germany's hopeless condition. It was apparent to everyone and was no longer a subject of discuccion. And it was not by accident that Hitler appointed precisely Speer, on 30 March 1945, to direct measures for the total destruction of the industrial enterprizes, by obliging all Party, State and military offices to render him extensive help.

Doc.
def.
V.Ip.76-80

That is the true picture of the defendant Speer and the real part played by him in the crimes committed by Hitler's gang.

Constantine von Neurath's part in the consolidation of the Nazi conspirators power and in the preparation and realization of aggressive plans, is a remarkable one.

Over a period of many years, every time that traces had to be covered up, that acts of aggression were to be veiled by diplomatic manipulations, Neurath, Nazi diplomat and SS general, came to the help of the Hitlerites, bringing them his longstanding experience of world affairs.

I will recall the official evaluation of Neurath's activity, as it appeared in all the news-papers of fascist Germany on the 2nd of February 1943:

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USSR-485. "The departure from the Geneva disarmament conference on the 14th October 1933, the return of the Saar territory, and the proclamation and denunciation of the Locarno Treaty will rank among the most outstanding political events since the coming to power of the Nazi regime. In these, Baron von Neirath played a decisive part and his name will always be connection with them."

Trans. In his capacity of Reich protector of Bohemia and Moravia,
ven.s. Neurath was to the Nazi conspirators, those so-called "firm
5.6.46. and reliable hands", of which General Frederici wrote in
p.75 his memorandum, and which were to turn the Czechoslovak
63-PS. republic into an "indissoluble part of Germany". In order to attain that object, Neurath established the notorious "new order", the nature of which is now known to all and sundry.

Neurath attempted to assert, here, that all the atrocities were committed by the police and Gestapo, upon Himmler's direct order, and that he knew nothing of them. It is quite understandable that Neurath should say so, but one can hardly agree with him.

Interrogated on the 7 March 1946, Karl Frank testified that Neurath recieved regularly the reports of the Chief of Security Police, as well as those of Frank himself, regarding the "most important events in the Protectorate, pertaining to the Security Police". He stated also that it was possible for Neurath to issue directives to the Gestapo, and that he did indeed do so; whilst, as far as
USSR-494. the SD was concerned, his rights were still more vast depending in no way upon the consent of the Main Reich Security Office

Tras. I wish also to recall to your memory, paragraphs 11, 13
even.s. and 14 of the order issued on 1 September 1939 by the Reich
25.6.45. Defense Council which prove that the Reichsfuhrer SS and
pp. 78-79. Chief of the German Police carried out administrative

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measures in Bohemia and Moravia with the knowledge of the Reich Protector, and that the German Security Police organs in the Protectorate were obliged to inform the Reich Protector, as well as the offices subordinated to him and keep them aware of all major events.

If I add that, on the 5 May 1939, the defendant Neurath appointed an SD Fuhrer and Plenipotentiary of the Security Police to the post of political case reported in his cabinet; if we recall the testimony of Richard Wienert, the former Premier of Bohemia and Moravia under Neirath, which has been read before the Court, to the effect that the Gestapo carried out arrests on orders of the Reich Protector, we can hardly have any doubt but that Neurath gave his sanction to the mass arrests, cummary executions and other inhuman acts, committed by the Gestapo and police in Czechoslovakia.

I will pass ont to the events of the 17 November 1939, when 9 students were shot without trial, whilst over a thousand were hurled into concentration camps and all the Czech high schools and universities were closed for three years.

Neurath said that he heard of these acts of terror post factum. But we have submitted to the Tribunal a report on the shooting and arrests of the students, which bears Neurath's signature. Neurath then seeks another loop-hole: he declares that Frank signed this report in his, Neurath's name and to be more convincing he even adds, that later he heard from an official that Frank often misused his name in documents. Are Neurath's statements to be credited? One has only to analyze briefly the actual facts, in order to answer this question in the negative.

Neurath says that Frank misused his name. What did Neurath do in answer to this? Did he demand Frank's resignation or his punishment for fraud? No. Did he, perhaps, report this forgery officially, to somebody? Neither. On the contrary, he continued to collaborate with Frank as before.

Neurath says that he heard of Frank's misuses from an official. Who is that official? What is his name? Why wasn't any application made to call him to the witness stand, or, at least, to secure his written testimony? This is simply because nobody spoke to Neurath of Frank having forged his signature on the documents, and nobody could have done so for there was no forgery.

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But on the contrary, the Tribunal has evidence which confirms the fact that the report of 17 November 1939 was signed by Neurath and that the terroristical measures mentioned therein, were actually sanctioned by Neurath. I am speaking of two statements of Karl Frank, who directly participated in these bloody events:

USSR-60 During his interrogation on 26 November 1945, Karl Frank testified:

"This document was dated 17 November 1939 and was signed by von Neurath, who did not protest either against the shooting of the 9 Students, or against the deportation of numerous students to the concentration camps."

USSR-494 I quote Karl Frank's second testimony on this matter, dated 7 March 1946:

"By countersigning the official reports which informed his of the shooting of the students, the Reich Protector von Neurath, sanctioned this action. I informed von Neurath in detail of the course of the investigation and he signed the rport. Had he not agreed and had he demanded a modification of the penalty, or its mitigation, and he had a right to do so, I would have been obliged to give in to his opinion".

In August 1939, in connection with the "special decree" by hich he proclaimed Bohemia and Moravia to be an "integral part of the Greater German Reich", Neurath issued a so called "warning". Therein he stipulated that "not only single persons, but the entire Czech population would be responsible for all acts of sabotage". Thereby he es-

USSR-490 ta lished the principle of collective responsibility and introduced the hostages system. The events of 17 November 1939, considered in the light of this directive of Neurath, supply more irrefutable proof against the defendant.

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Starting from 1 September 1939, some 8,000 Czechs were arrested as hostages in Bohemia and Moravia. The majority were sent to concentration camps; many were executed, or died of hunger and toture. On this subject you have heard, Your Honors, the testimonies of Wienert, Kreitchi, and Gavelka.

There is no doubt that these terror acts against the Czech intellectuals were carried out in conformity with Neurath's so-called "warning".

I do not need to relate in detail all the events which occurred at Lidice, and later in the village of Lejaki, as they are already well known. Were not the German occupnats acting in accordance with Neurath's "warning", did they not conform themselves to his principle that the entire Czech population, and not the individual persons, must bear the responsibility.

It was Neurath who initiated mass terror against the Czechslovak population in August 1939. He has on his hands the blood of many thousands of women and men, children and old people, murdered and tortured to death, and I see no difference between Baron von Neurath and the other ringleaders of the criminal Nazi regime.

The defendant Hans Fritzsche's part in conspiracy, the war crimes and the crimes against humanity, is certainly greater than it might appear at a first glance.

The criminal activity of Fritzsche, who was Goebbels' closest assistant, carried out systematically, day after day, was a very important link in the general plan or conspiracy and it contributed singularly to the creation of the conditions, under which the numerous crimes of the Nazis were conceived and cultivated.

All the attempts made by the defendant himself and his coun sel in order to minimize his importance and the part he

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played in the perpetration of these crimes, have clearly failed.

In "Mein Kampf", Hitler describes the very special part attributed in Nazi Germany to mendacious propaganda. He writes: "The problem of the ressurection of German might can be defined not as to 'How we will make weapons' but 'How we will create the spirit which will make our people capable of bearing weapons'. If this spirit invades the people, will power shall discover thousands of way, and each of them will lead to weapons". (Quote from pages 365-366 of "Mein Kampf", 64th ed. 1933).

Neither is it na accident that at the 1936 Congress of the Nazi Party in Nurnberg, the following slogans were proclaimed:

"Propaganda helped us to come to power"

"Propaganda will help us to keep power"

"Propaganda will help us to conquer the world".

Owing to his position, the defendant Fritzsche was certainly one of the notorious propagandists and also one of the best informed persons in Nazi Germany. Besides, he enjoyed Goebbels' particular confidence.

As we know, from 1938 to 1942, Fritzsche was head of one of the key departments of the Propaganda Ministry, that of the German press. And ever since 1942 and until the defeat of Nazi Germany, he was head of the German radio.

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Having grown up, as far as journalism is concerned, in the reactionary press of Hugenberg, Fritzsche, who was a member of the Nazi party since 1933, in his capacity of Government spokesman, played with his personal propaganda an important part in the dissemination of Nazism throughout Germany, in the political and moral depravation of the German people.

USSR 472 This was testified to, in detail, by witnesses such as
USSR 471 former Fieldmarshal Ferdinand Schoerner and former vice-admiral Hans Voss.

The defendant Fritzsche's broadcasts, taken down by the BBC, and submitted to the Tribunal as document 3064-PS and USSR Exhibit 496, fully confirm these charges of the Prosecution.

German propaganda in general, and the defendant Fritzsche in particular, made good use of provocational methods, lies and slanderous statements, and this was especially the case when Nazi Germany's acts of aggression had to be justified.

For did not Hitler himself write in "Mein Kampf" that, page 302:

USA 276 "With the help of an able and continuous application of propaganda, one can even picture to the people, heaven as being hell, and on the contrary, the most sorrowful life can be pictured as heaven."

Fritzsche turned out to be the best man to carry out this dirty work. In his declaration to the Tribunal, on the 7 January 1946, Fritzsche gave a detailed description of the provocative methods applied on such a vast scale by German propaganda and by him, personally, in connection
3465-PS with the acts of aggression against Austria, the Sudetenland,
USA 614 Bohemia and Moravia, Poland and Jugoslavia.

On the 9 April and the 2 May 1940, Fritzsche broadcast mendacious explanations of the reasons which led to the

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occupation of Norway by Germany. He declared:

"Nobody was wounded, not one house was destroyed, life and work continued unhindered as before."

Meanwhile, the official report presented by the Norwegian Government states:

"The German attack against Norway on the 9 April 1940, brought war to Norway for the first time in 126 years. For 2 months, war was fought throughout the country, causing destruction. Over 40 thousand houses were damaged or destroyed and about 1000 civilians were killed."

German propaganda and Fritzsche, personally, spread insolent slander in connection with the sinking of the British passenger steamer "Athenia".

But German propaganda was particularly active on the occasion of Nazi Germany's felonious attack upon the Soviet Union.

The defendant Fritzsche has attempted to assert that he first heard of the attack upon the Soviet Union when he was called on the 22 June 1941, at 5 a.m. to a press conference held by Foreign Minister von Ribbentrop. As far as the aggressive purposes of this attack were concerned, he allegedly only had knowledge of them, as a result of his personal observations, in 1942.

However, these statements are disavowed by such documentary evidence as the report of defendant Rosenberg. This document establishes the fact that a long time prior to the attack upon the USSR, Fritzsche knew of the appropriate measures which were being taken and that in his capacity of representative of the Propaganda Ministry, he participated in the working out by the Ministry for Occupied Eastern Territories of propaganda measures in the East.

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In answer to the questions put to him by the Soviet Prosecution during his cross-examination, Fritzsche stated that he would not have gone along with Hitler had he had

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knowledge of the Nazi government's criminal orders, of which he heard for the first time here, in Court. And here again, Fritzsche has told the International Military Tribunal a lie. He was compelled to admit that he had knowledge of the criminal Nazi orders regarding the extermination of Jews and the shooting of Soviet commissars as early as 1942. And yet he continued thereafter to remain at his post and to spread mendacious propaganda.

USSR 496

In his broadcasts on the 16 June and 1 July 1944, Fritzsche made a great case of the utilization of new weapons, doing his best to whip up the army and the people to further senseless resistance.

And even on the eve of the crash of Nazi Germany, specifically on the 7 April 1945, Fritzsche broadcast an appeal to the German people to continue to resist the allied armies and to participate in the Werwolf-movement.

Thus, the defendant Fritzsche remained true to the last to the criminal Nazi regime.

He gave his entire self to the task of realizing the Nazi conspiracy and of perpetrating all the crimes which were conceived and carried out in view of putting that conspiracy into effect.

As an active participant of all the Nazi crimes, he must bear the fullest responsibility for them.

Your Honours,

All the defendants have passed before you - men without honour or conscience; men, who hurled the world into an abyss of misery and suffering and brought enormous calamities upon their own people.

Political adventurers, who stopped before no evil deed in order to achieve their criminal designs; cheap demagogues who concealed their predatory plans behind a veil of mendacious ideas; henchmen, who murdered millions of innocent people, these men joined in a gang of conspirators, seizing power and transforming the German state machinery into an

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instrument of their crimes.

Now, the hour of reckoning has come.

For the past nine months, we have been observing the former rulers of fascist Germany. In the dock, before this Court, they have suddenly become meek and humble. Some of them, even, actually condemned Hitler.. But they blame Hitler, not for the launching of a war, not for the extermination of peoples and the plundering of states; the only thing they cannot forgive him is Defeat. Together with Hitler, they were ready to exterminate millions of human beings, to enslave the elite of mankind in order to achieve their criminal aim of world domination.

But History judged otherwise; victory did not follow upon the steps of Crime. Victory came to the freedom-loving nations. Truth triumphed, and we are proud to say that the justice which is meted out by the International Military Tribunal will be the justice of the right cause of peace-loving nations.

The Defense spoke about humaneness. We know that the concepts of civilization and humaneness, democracy and humaneness, peace and humaneness - are inseparable. But we, the defenders of civilization, democracy and peace - we categorically reject insensible humaneness which is considerate of the murderers and indifferent to their victims. Counsel for Kaltenbrunner also spoke here of love for one's fellow-men. Connected with Kaltenbrunner's name and actions, all mention of love for one's fellow man sounds like blasphemy.

My Lord, Your Honours,

My statement concludes the case for the Prosecution. Speaking here on behalf of the peoples of the Union of Soviet Socialist Republics, I consider all the charges against the defendants as fully proven.

And in the name of the sincere love of mankind which inspires the peoples who consented to the greatest sacrifice

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in order to save the world, freedom and culture, in memory of the millions of innocent human beings slaughtered by a gang of murderers, who are now before the Court of a progressive mankind - In the name of the happiness and the peaceful labor of future generations, I appeal to the Tribunal to sentence all the defendants, without exception, to the supreme penalty. Such a verdict will be greeted with satisfaction by all of progressive mankind.

THE PRESIDENT: Now we will deal with the applications for witnesses and documents by the Counsel for the SA.

MR. BARRINGTON: May it please the Tribunal, there were initially seven witnesses applied for for the SA: four for the General SA; two for the Stahlhelm, and one for the SA Reiter Corps (Riding Corps). Since then there has been an eighth application for a witness for the Stahlhelm which, I understand, is to be a substitution for the other two for the Stahlhelm. That would reduce the total number of witnesses applied for for the SA to six.

All those originally applied for have already been heard by the Commission, but the one recently applied for, by the name of Gruss, has not yet been heard by the Commiswion, and if the Tribunal approve of that witness, it would involve his being heard by the Commission now.

I apprehend that the Tribunal will have the recommendation of the Commission before them when they are deciding this. In the circumstances, the Prosecution only desire to say that they have no objection to these applications.

THE PRESIDENT: That means no objection to any of them?

MR. BARRINGTON: No objection to any of them, on the understanding, My Lord, that Gruss is applied for in substitution for the other two Stahlhelm witnesses, Waldenfels and Hauffe.

THE PRESIDENT: Yes, Dr. Boehm.

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DR. BOEHM: I have applied to hear as witnesses for the SA the witnesses Juettner, Bock, Klachn, Schaeffer, von der Borch, and, first of all, the witnesses Waldenfels and Hauffe.

The witness Hauffe was applied for because it had not been possible to bring another witness to Nuremberg; that was the witness Gruss.

Concerning the witness Gruss, I should like to apply to have him questioned before the Commission so that he can also be heard before the Tribunal later. Gruss could only be called a few days ago, because my application to hear him had already been made in the month of May, and one had to look for him for about two months. He is an important witness for the Stahlhelm and the SA, and on account of his functions in the Stahlhelm he knows essential elements of conditions throughout Germany, particularly for the period after 1935. But since I can only make the application to hear the witness here after he had been heard before the Commission, I request that this witness be heard by the Commission first. And still I should maintain my request for the witness Waldenfels, so that the situation will be the following, that for the SA not six but seven witnesses should be heard, as had been suggested originally.

THE PRESIDENT: Well, what would be the names? What will be the names?

DR. BOEHM: Juettner, Bock, Klachn, Schaeffer, von der Borch, Waldenfels, and Gruss.

But I should like to ask, Mr. President, since I do not know the extent of the statements of the witness Gruss, to be permitted to choose between the two witnesses Gruss and Hauffe. Therefore after the witness Gruss has been heard by the Commission I should like to be permitted to make the decision whether, besides the witness Waldenfels, I want the witness Hauffe or the witness Gruss to be called before the Tribunal.

THE PRESIDENT: Is that all you wish to say, Dr. Boehm?

DR. BOEHM: In connection with the witnesses, yes, Mr. President, but I should like to speak in connection with the document book for the SA, if I may be permitted.

THE PRESIDENT: Mr. Barrington, do you wish to say anything more

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about the application which Dr. Boehm now has, which is for seven, and not for six?

MR. BARRINGTON: Well, the Prosecution are of the opinion that one witness for the Stahlhelm would be enough, but your Lordship will, of course, have the Commission's recommendation on that. They will have been heard. On the question of the choice between Gruss and Hauffe after Gruss has been heard, there would be no objection to that, of course.

DR. BOEHM: Mr. President, may I say that the Stahlhelm within the SA was about one-fourth of the members of the SA. There were about one million people who had transferred from the Stahlhelm into the SA. And I believe that their interests, since there are so many of them, need two witnesses before this Court.

THE PRESIDENT: The Tribunal will consider that matter. Now will you deal with the dockets?

MR. BARRINGTON: Would it be convenient to your Lordship if I started on the documents?

THE PRESIDENT: Yes.

MR. BARRINGTON: Agreement has been reached on the document books with the exception of one group of five documents, to which the Prosecution object.

Before dealing with that group, I ought to mention to the Tribunal that among the other documents which were agreed to be excluded there were a considerable number of photographs of members of the SA Reiter Corps in civilian clothes. The great majority of those photographs were excluded. A few have been included. But I just want to say this, that those photographs were intended to show that the object of the Reiter Corps was purely that of sporting activities. Of course the Prosecution admit that the object of the Reiter Corps included sporting activities, although naturally the Prosecution say that wasnot their only object.

As regards the group if five documents, I think I can take that quite briefly. I have prepared a short summary, which I think the Tribunal have at the back of that sheaf of papers.

THE PRESIDENT: Yes.

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MR. BARRINGTON: These five documents are all extracts from writings by English writers and publicists during the period, I think, from 1936 to 1939, and they all represent, in my submission, the unofficial opinions and arguments of those writers. Your Lordship can see roughly what they are about.

The first one, SA 236 is by Mr. Dawson in "The Nineteenth Century", to the effect that Hitler's policy to the statesmen of Europe is to peace and not war, and that Hitler has saved Germany from chaos and collapse, that he does the same to Europe by his peace proposals.

And then SA 237 by Dr. A. J. McDonald from the book "Why I believe in Hitler's Germany and the Third Reich" says, "Perhaps the best guarantee for the stability of Hitler's regime is his own moral purity and that which he has imposed on Germany. He has tackled the problem of youth", and so on.

SA 242 is an extract from "Das Archiv" quoting Professor Cornell Evans and Professor Dawson again. "Hitler's withdrawal from Locarno and the occupation of the Rhineland was a good thing". "Hitler's peace proposals are very valuable." "The Versailles Treaty was unjust", and so forth.

And SA 246, another extract from "The Nineteenth Century and illustrates "Germans marching into parts of their own country", and maintains that this is justified.

And SA 247, an extract from a book by A. P. Lorry, "The Case for Germany" which says, "The complaint that Germany applies force is wrong, and the attack on Austria cannot be called an attack."

Now My Lord, insofar as those extracts are intended to prove facts, they clearly don't prove any direct evidence of facts, but are purely conclusions of fact, and as such they prejudge the issues which are for the Tribunal to decide.

If on the other hand, as is possible, they are intended to show that these writings led the SA to believe that the Nazi regime was a thing to be admired or was well thought of abroad, I only need to say two things: first, these were unofficial writings; secondly, there is no evidence to show that they were even read by the SA. There is no evidence in any case that they influenced the SA at all, if they were read. That is all I can say.

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THE PRESIDENT: Dr. Boehm?

DR. BOEHM: Mr. President, originally I did not intend to discuss the contents to such an extent as the representative of the Prosecution has done it now, so that I should not be accused of trying to make National Socialist propaganda. But we are confronted here with short quotations from the English and American literature which will not bring about any difficulty for translation, and I did not intend to read anything from them here in court. Neither do I intend to read the contents of these documents during my presentation of evidence, but I only wanted to have the opportunity to refer to them during my final argument.

These quotations have appeared in German newspapers. They also appeared in encyclopedias and in "Das Archiv". Thus they could be read by the German public, and they were known. It is not so that these excerpts were only translated now, and could not have been known before to anybody in Germany. They appeared in the "Voelkischer Beobachter" and in "Das Archiv" and every German could read them and acquaint himself with them.

Without regard to the importance of the writers themselves or the people who made these statements in their own country, these statements have been important for the Germans because the authors were men who made statements in leading foreign countries on German problems, and I would regret very much if the Court could not decide that I may be permitted to enter them into my document book. They present very little work for translation. They are not extensive and there are no obstacles connected with them.

THE PRESIDENT: Have all the documents been translated?

DR. BOEHM: I don't think they have been translated. A considerable number were requested.

THE PRESIDENT: Are they very long?

DR. BOEHM: These five are not very long.

THE PRESIDENT: I don't mean the five. I mean the other things.

MR. BARRINGTON: They vary, but for the most part they are short extracts.

DR. BOEHM: Mr. President, in my document book only a few documents have been translated entirely, only excerpts to which I intend to refer during

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my presentation of evidence and during my final argument. Therefore the translation of the entire document book will create very little work, and these documents which I ask to be permitted to have translated certainly will not create any difficulties.

THE PRESIDENT: Is there anything further you wish to say, Dr. Boehm?

DR. BOEHM: Mr. President, unfortunately I have to make another application, which I would rather not have made, but conditions and circumstances are such that it has to be put in. I request that the witnesses Fuss, Lucke, Wallenhoefer, Alvensleben, Dr. Geier, and Dr. Meder should still be heard before the Commission. For these witnesses I have already made application; the witness Fuss on the 25th of April; for the witness Lucke, on the 7th of May; for the witness Wallenhoefer, on the 21st of May; for the witness Alvensleben, on the 20th of May; for the witness Dr. Geier, on the 25th of April; and for the witness Dr. Meder, on the 25th of April of this year.

These witnesses are important witnesses. To give only one example, the questioning of the witnesses Fuss and Lucke would mean a rebuttal of one of the most important documents in this trial. That is document 1721, in which the Brigadefuehrer is accused, that the Brigadefuehrer, the Chief of the Brigade, had reported to the Gruppenfuehrer about thirty-eight synagogues which had been burned.

The other witnesses also, the subject of evidence about which I will not speak now, and the questioning of whom Col. Neave has promised me, have not yet arrived. I believe I heard yesterday that possibly Dr. Geier has already arrived a few days ago. The subjects are important, and the length of time for the questioning before the Commission will be very short. These witnesses, whom I have repeatedly requested, I cannot forego. These witnesses must be heard, and I believe that they can be brought here in time so that it would be possible to hear them during the presentation of evidence.

THE PRESIDENT: How many is it you are asking for?

DR. BOEHM: In addition, seven witnesses which are to be heard by the Commission -- six witnesses.

THE PRESIDENT: How many have you already had heard before the

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Commission? I am told it is sixteen; is that right?

DR. BOEHM: Sixteen. I could not give the exact number right now, Mr. President, but of course I am in a position to find out at once.

THE PRESIDENT: And how many have been brought to Nuremberg for the purpose of being questioned by you?

DR. BOEHM: Mr. President, the witnesses that have been brought to Nuremberg to be heard here were primarily the wrong witnesses. A number of witnesses had to come twice or three times until we got the right one, as for instance the witness Fuss.

THE PRESIDENT: I asked how many.

DR. BOEHM: Altogether, of all witnesses, or also witnesses who have come only to give an affidavit, or just the witnesses who were heard by the Commission? Which ones?

THE PRESIDENT: How many witnesses have been brought? How many persons have been brought to Nuremberg for the purpose of being questioned?

DR. BOEHM: Mr. President, I believe there is a matter which has to be cleared up. Witnesses have been brought here in order to be questioned by the Commission or the Court. But witnesses have also been brought here for the purpose merely to give an affidavit, merely to make an affidavit about any particular subject that appeared important and relevant, witnesses who could not be heard before the Commission or the Tribunal. These witnesses have been sent back after they had given an affidavit, signed an affidavit.

THE PRESIDENT: I am asking you how many. How many? Can't you answer?

DR. BOEHM: I would like to know whether the question is designed to mean the people who have been heard by the Commission, or all the witnesses that came here.

THE PRESIDENT: Well, out of the people who have come here, some of them have been examined before the commission and others have made affidavits, and possibly there may be others who have done neither. I want to know how many in all.

DR. BOEHM: Yes, certainly. That may have been sixteen. I could not give the exact figure because I did not question all of them. I would like

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to find out and tell you exactly after the recess.

THE RESIDENT: The Tribunal will adjourn.

(A Recess was taken.)

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THE PRESIDENT: I will deal first with the documents. The documents to which no objection has been made will be translated and will be admitted subject to objections as to their admissibility. The documents to which objections have already been made, namely SA 236, 237, 242, 2 46, and 247, are all rejected and will not be translated.

With reference to the witnesses applied for, the following witnesses, the following witnesses which have been examined before the commissions may be examined before the Tribunal: The witness Schaeffer, the witness Juettner, spelled J-U-E-T-T-N-E-R, either the witness Bock or the witness Klehn according as counsel for the SA decides; and one out of the three witnesses, Waldenfels, Hauffe, and Gruss, is to be examined before the Tribunal.

Von den Borch is not allowed, but his evidence may be given by affidavit.

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With reference to the other six witnesses for whom application has been made, every effort is being made to trace them and if they arrive within a week from today, that is to say, on or before Tuesday of next week, they will be heard before the Commission. That is all.

DR. BOEHM (Counsel for S.A.): Mr. President, may I make a brief explanation? The Court has just approved the witnesses Waldenfels, Hauffe, and Gruss to be examined before the Commissio

THE PRESIDENT: No, the witnesses Waldenfels, Hauffe and Gruss have already been examined before the Commission, have they not?

DR. BOEHM: Yes.

THE PRESIDENT: What I said was that one out of the three witnesses -- Waldenfels, Hauffe and Gruss -- after Gruss has been examined before the Commission. One out of the three, so that in all you will have four witnesses -- Schaeffer, Juettner, one out of Bock and Klaehn, and one out of Waldenfels, Hauffe and Gruss, making four. And you will have Von Der Borch on affidavit.

DR. BOEHM: Yes.

THE PRESIDENT: Mr. Barrington, with reference to the Reich Cabinet, I see there is one witness that has not yet been granted as a witness, and that is the witness Schlegelberger, who has not yet appeared before the Commission. Yes, Dr. Kempner?

DR. KEMPNER: Schlegelberger appeared before the Commission yesterday.

THE PRESIDENT: Is there any objection....

DR. KEMPNER: No.

THE PRESIDENT: Then are there any other witnesses for the Reich Cabinet?

DR. KEMPNER: Not that I know of.

THE PRESIDENT: It would perhaps save time if we granted him now and ask for the documents. Are there any documents for the Reich Cabinet?

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DR. KEMPNER: We agreed on all the documents already.

THE PRESIDENT: You agreed? Well, very well.

DR. KEMPNER: Thank you.

THE PRESIDENT: And now we will hear the witnesses for the political leaders.

DR. SERVATIUS (Counsel for the S.A.): Mr. President, according to the decision of the 25th of July, I am first to offer the documents and affidavits so that they may be incorporated into the record. Should I do that first or should I first examine the witness? I have prepared it according to the decision.

THE PRESIDENT: Very well, do it that way.

DR. SERVATIUS: According to the decision of 25 July, the evidence is first to be submitted. The examination of the evidence, the discussion of the evidence, is to be subsequent, so that first I will only submit the evidence without any special comment. I go according to the decision.

First, I submit a list of the witnesses examined before the Commission whom I want to submit in evidence. There are twenty witnesses. If I am to read it, they are the following. Does the Court consider it necessary for me to read the list of witnesses?

THE PRESIDENT: I do not think you need read the names of the witnesses. If you would offer, formally, the translation of their transcripts of their evidence before the Commission, that will be sufficient.

DR. SERVATIUS: Yes, very well.

I submit the list and I submit the copies of the record in evidence, the original of which the Commission has. The record of the witness Mehr is still lacking. He is No. 7 on the list. I have not yet received this record. I will submit it later.

THE PRESIDENT: Then the General Secretary will file the original of the transcripts.

DR. SERVATIUS: Yes.

THE PRESIDENT: And you will give it some number, I suppose,

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some exhibit number?

DR. SERVATIUS: Perhaps I will adjust the exhibit numbers after consulting with the General Secretary.

THE PRESIDENT: Very well.

DR. SERVATIUS: Then I submit.....

THE PRESIDENT: Wait a minute. You will adjust that with the General Secretary as to whether or not it is necessary to give these transcripts on evidence before the commission an exhibit number or not?

DR. SERVATIUS: Yes, I will adjust it.

Then I submit a list of affidavits which have been approved by the Commission. There are fifty-two of them. The list gives those documents, the translation of which was approved by the Commission, which are especially important. The affidavits themselves are in the hands of the Commission and I will discuss with the General Secretary in what form it should be submitted as an exhibit.

According to the decision, I have summed up these affidavits in writing. If the court wishes, I will read this summary which contains an explanation of this document, but I do not believe that it will be of any great use at the moment, but it will be better if it is read later in their proper connection.

THE PRESIDENT: Very well.

DR. SERVATIUS: Then I would like to submit further affidavits which are not yet available and which have not yet been dealt with before the Commission. There are 139,000 affidavits which are divided into various groups. These groups have been gone over by members of the organizations in prison here, and one collective affidavit has been made for each group. Three especially important and typical ones have been added to this collective affidavit and the majority of the pertinent documents belonging to it I could just submit to the Tribunal. I will offer them to the Court if the approval is given us. I will have to reach an agreement with the General Secretary as to how they will

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be submitted. In effect, there are twelve different groups -- that will be twelve affidavits with three annexes of the most important ones on the Church question, on the question of low level flying, and on the question of concentration camps there are nine groups.

Then I have two groups that is to say, a survey of two camps in which there are many thousands so that one can get a clear opinion of the inmates of the camp. They are also summed up. I attempted to reduce this great amount of material so that the Court will be in a position to take notice of it and I will be glad to submit the whole thing so that the Court will be able to take official notice of it.

THE PRESIDENT: As I understand it, there are 139,000 affidavits. You have divided them into twelve groups?

DR. SERVATIUS: Yes.

THE PRESIDENT: And you have twelve collective affidavits for these twelve groups?

DR. SERVATIUS: Yes.

THE PRESIDENT: To be appended to each of these twelve collective affidavits are two or three....

DR. SERVATIUS: There are three. In the group which I have just mentioned a larger number is appended. I would go over it again so that on principle there would be three of each group.

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THE PRESIDENT: Dr. Servatius, then the Tribunal thinks that the whole 139,000 should be deposited with the Tribunal, and the twelve collective affidavits with the appended affidavits will doubtless be of great convenience to the Tribunal.

DR. SERVATIUS: Yes. The Commission yet has to see them and approve them.

THE PRESIDENT: The Commission will receive them and approve them, yes, and then they will be deposited before the Tribunal.

DR. SERVATIUS: Yes. Then I have to submit the document books which the Tribunal has; the original of the documents I have here, I submit them. A number of documents I can not submit in the original. There are two documents which are at the University of Erlangen. That is document PR 15; that is the book "Die Amtstraeger der Partei" (The dignitaries of the Party). And the document PL 58; it is a book of the law of the NSDAP (Das Recht der NSDAP) by Dr. Heim and Fischer. All others I have submitted. A large part of the documents are from collections of regulations and from books which are already in the library of the Prosecution. The title of these collections of regulations is shown by the heading of the document concerned in the document book. I ask that these collections of regulations and books may be consulted in the original. They are in the library of the Prosecution.

THE PRESIDENT: Yes, subject to any objections.

DR. SERVATIUS: Yes.

Then I have finished with the material, the evidence submitted before the Commission, and now, with the approval of the Court, I shall call my witnesses.

With the permission of the Court, I will call the witness Gauleiter Kauffmann.

KARL OTTO KURT KAUFFMANN, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name, please?

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A. Karl Otto Kurt Kauffmann

Q. Will you repeat this oath after me:

I Swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS:

Q. You were a Gaulieter from 1925 to 1928 in the Gau Ruhr and from 1928 to 1945 in the Gau Hamburg?

A. Yes.

Q. How many people lived in these Gaus?

A. In the Ruhr about seven to eight million; in the Gau Hamburg about 1.8 million.

Q. Do you know anything about conditions in other Gaus?

A. Approximately, yes.

Q. In 1921 you joined the Party and after the dissolution of the Party again in 1925?

A. Yes.

Q. And in the meantime you were a laborer, from 1921 to 1925, in the Ruhr district and in Upper Bavaria?

A. No, from 1923 to '25.

Q. According to National Socialist terminology, when is a person a political leader?

. A man holds this position when he is in possession of the appropriate documents and has the right to wear a uniform.

Q. Were there Block and Cell Leaders among the political leaders?

A. Yes.

THE PRESIDENT: Dr. Servatius, will you ask the date of the witness' birth?

BY DR. SERVATIUS:

Q. Witness, when were you born?

A. I was born on the 10th of October 1900.

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THE PRESIDENT: Go on.

BY DR. SERVATIUS:

Q. Were the Block and Cell Leaders not a different type of political leaders from the political leaders in higher positions?

A. The Block and Cell Leaders were small executionary officers of the Ortsgruppen Leader.

Q. Was the activity of the Block and Cell Leaders subordinate and insignificant to that of the Amtsleiter in the local groups?

A. Under the Amtsleiters of the local groups there were essential tasks and non-essential tasks. Those in charge of the essential tasks were more important; now they can be put on the same level as those in charge of the non-essential tasks.

Q. Were not the Block and Cell Leaders dignitaries and especially important political leaders?

A. I have already said that they were dignitaries but small executing organs of the local group.

SIR DAVID MAXWELL FYFE: My Lord, I wonder if I might make a suggestion for the consideration of the Court. I think it would be more helpful if the translator could use the German term, because we are all used to it in this contect, and continue to use the Ortsgruppenleiter instead of a local group, because when we use a term like "local group" there may be some difficulty as to what the reference is. I just put it for a suggestion. Personally, it would be helpful to me. I don't know if the Court will agree.

THE PRESIDENT: Yes, certainly.

BY DR. SERVATIUS:

Q. What was the general practical activity of the political leaders? How was it before the war and how was it after the beginning of the war?

A. The activity of the political leaders was according to their office. There were political leaders who were purely technical experts and there were political leaders who had tasks of political leadership. The tasks before the seizure of power were, as in any Party, essentially to recruit for the idea, to organize the Party, and in election contests to recruit votes among the population for the success of the Party. After the seizure

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of power, the essential activity of the political leaders was primarily the social care of the population and in the realization of the set social aims. In addition, in organizational questions, training tasks, and propaganda questions. During the war these tasks were influenced by the great welfare problems brought about by the war and events.

Q. How great was the number of political leaders before the war and during the war?

A. I can only give figures from my Gau. I estimate that the number of political leaders in the Gau Hamburg before the war at about 10,000, without branches. The number was greatly limited by the fact that many were drafted during the war.

Q. How great was the percentage of political leaders in your Gau who were drafted for military service?

A. Aside from armament, many political leaders were only honorary officials. A maximum of 10 per cent of the Party were deferred at the beginning of war.

Q. That many remained in the Gau?

A. Yes. In 1944, the age grups of 1900 and younger. For the whole Party in Hamburg there were twelve, with the exception of administration and armament.

Q. Dod you mean twleve per cent?

A. No. Twleve men.

Q. And in percentage?

A. I estimate we had 6,000 political leaders.

Q. The staff of the Gau, Kries and Ortsgruppenleiters were the heads of the technical offices. Did these officials of the technical offices have political leadership tasks?

A. No. The great majority of political leaders and technical officers were concerned exclusively with technical matters of their organizations

Q. Did the officials of the technical offices take part in discussion or was a distinction made between the closer or more distant officials?

A. That depended on the subject of the discussion. If it was of general political interest a larger circle was included; if it was a discussion which concerned only special offices, the circle was limited to these.

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Q. Was the Office of political leader taken voluntarily, as a duty, or on a compulsory basis ?

A. One must distinguish between different kinds; before the seizure of po of course, it was voluntary. After the seizure of power, every party member had the obligation and principle of cooperating. I personally considered it important to maintain the principle of volunteering in the Gau under all circumstances because, as you can understand, I did not expect any political success from forced cooperation. I know that the matter was dealt with in a similar way in other Gaus.

Q. Why did party members refuse to take honorary offices as political lea ders; was this done for political reasons orfor personal reasons ?

A. The reasons varied. Some refused because they were too busy in their occupation; that is especially true of many professions during the war and others refused because they did not want to expose themselves politi cally.

Q. What was the activity of the Blockleiter ?

A. The Blockleiters were the assistants of the Ortsgruppenleiter, when it was necessary in peace and in war to approach the population and that was essentially the case in social measures; The Ortsgruppenleiter used the services of the Blockleiters and in the Gau Hamburg the Block and Zellenleit as well as the whole party, in war and peace, were primarily concerned with socila measures.

Q. From where did the Gauleiters get their instructions ?

A. The Gauleiters received their instructions from the Fuehrer. They were directly subordinate to the Fuehrer, on his behalf from the deputy of the Fuehrer and in many cases from theParty Chancellory and behalf of the Fuehrer

Q. Could the Reichleiters also give instructionsto the Gauleiters ?

A. No, the Reichleiters were limited to their specialized offices in the Gaus. The Gauleiter had the right to stop measures originating from the Reichsleiters if he considered them inexpedient. In the case of differences, the deputy of the Fuehrer or the Fuehrer himself decided.

Q. How were the Gauleiters instructed on political intentions and measures

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A. The basic political intentions and measures of the Fuehrer were made known to us through the party program and in part through his book "Mein Kampf." In this connection, our propaganda and information were brought to our co-workers. After the seizure of power, the Gauleiters were informed of intended political actions, especially foreign political ones, but even domestic ones only after the action had taken place.

Q. Were there orders, instructions, or conferences; what can you say about that ?

A. There were conferences which took place comparatively seldom.

Q. In which form did these conferences take place ?

A. For the Party leaders, in the form of Reichsleiter and Gauleiter conferences. I must clear myself -not conferences but meetings.

Q. What is the difference between a conference and a meeting ?

A. In a conference I see a possibility of discussion. This possibility of discussion in Fuehrer conferences existed without limitation up to the resignation of Strasser in 1932 in a limited form until the departure of Hess and was impossible when Hess was no longer there. From this time on, the meetings were exclusively the issuing of orders at which there was no possibility for discussion or for inquiry. These meetings were directed by Bormann. The other way was the way of circular letters -- by this way of circular letters, by Hess, the deputy Fuhrer -- later through the Party Chancellery, either by direct orders of the Fuehrer or orders in the name of the Fuehrer were transmitted to us. That was the customary chain of comm

Q. Did conferences with the Reichsleiters take place ?

A. I do not recall any conference at which all Gauleiters were present with all Reichsleiters.

Q. Did leading political leaders have special tasks outside of their activities as political leaders ?

A. There were high functionnaries of the party who, besides their party office, had state and other offices. There were also those who were limited exclusively to their party office.

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Q. What was the content of the instructions which the political leaders received through official party channels; must one make a distinction betwe various periods up to the seizure of power, up to the war, during the war ?

A. I have already partially answered that question. I can sum up briefly Before the war, of an organizational propagandistic nature and during the wa determined by the tasks of war, essentially social measures.

Q. Did the political leaders receive instructions on point one of the par program which in effect contained the Anschluss of Austria to Germany and di such instructions refer to the preparation of a war of aggression.

A. The political leaders were in no way informed about the Anschluss of Austria, the way in which it was done and the time -- the Anschluss has been Austria's w ll since 1918 through the law of the then Chancellor Renner, through the result of the plebiscite in 1921 of the Federal state of Salzbur and Tyrol and later through Austria and reaction to the entry or the Ansch- luss was known or became known to the political leaders.

Q. Did you receive instructions on point two of the party program which refers to the denunciation of the Versailles Treaty; did these instructions refer to the preparation of a war of aggression ?

A. The revision of the Versailles Treaty -- and I emphasize "revision" -- was an essential part of our political aims. The political leaders were, before the war and even before the seizure of power, of the firm conviction that this aim by way of revision, that is, by way of negotiation would have to be achieved. Any other insturction or methods by which to attain this goal, the political leaders never received in all the time before the war.

Q. Did you receive instructions on point three of the program which deman area or settlement -- did such instructions refer to the preparation for such a war of aggression ?

A. This point of the program -- I believe it is the point of the program-- was understood by the political leaders and they were instructed to that effect, that this meant the return of the German colonies. The discussions on other territories did not arise before the war but during the war. I em- phasize "discussion."

Q. What instructions did you receive on the Jewish question which is dealt with from point four to eight of the program; did such instructions refer to the removal of the Jews because they would interfere with the war of aggression ?

A. The program points on the Jewish question were set. The attitude on Jewish question varied greatly. The political leaders with whom I was in contact were instructed by me at least in the interpretation of this point of the program to the effect that this question could be solved only in a constructive way; that is, by a basic change in the existing system. German propaganda on this point never had anything to do with a war of aggression.

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Q What instructions did you receive on the Church question, point 24 of the Party program? Did you receive instructions to eliminate the Church as an enemy of war?

A I never received any instructions nor did my political leaders receiv any such instructions and such explanations. The political leaders up to the end, in spite of the interpretation of the different personalities of the party, gave up to this point. The party program was considered as a confession of positive Christianity. That proves that the majority of the political leaders were and remained members of the church.

Q What instructions did you receive on point 25 of the party program on the dissolution of Labor Unions? Were they to be removed as opponents in war?

A No. Whether that includes my political leaders in the dissolution of the Labor Unions, only a demonstration could have developed. The mass of union members, even before the dissolution of the unions, were members of the NSBO, and thus members of the National Socialist Labor organization.

Q I would like to break off here. The witness Hupfauer, will be questioned. Was not the Anschluss of Austria taking place -- the entry of German troops? Did the political leaders approve of this?

A I have already mentioned that the political leaders were neither informed nor questioned on the entry of German troops into Austria. That they welcomed the Anschluss because it was a historical fact that the will of the people agreed with this act.

Q Was not Alsace Lorraine incorporated into the German Reich? Did the political leaders approve of it?

A The question of the incorporation of certain areas is a question of peace treaties. The political leaders were of the opinion that Alsace Lorraine, for the duration of the war, was under the special German Civil Administration, and after the victorious end of the war, the incorporation of this territory in to the German Reich could be considered among German demands, just as after the first world war occurred in the opposite sense.

Q Were not the occupied territories in the East claimed as Lebensraum and did the leaders approve of this?

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A The war against Russia was described to the political leaders by the political leadership as a preventative war. This fact indicates that such an explanation, at least at the beginning of this war, was not commented in the instructions to the political leaders, with intentions of annexation.

Q Were not the churches in fact persecuted and did the political leade approve this?

A It is quite possible that in spite of the party program, the party acknowledges positive Christianity, and deviation from this particular point occurred in some gaus. The church was exposed to some persecution in some gaus. The Fuehrer himself never deviated from the prosecution of the party program.

Q Then you did not approve of this persecution?

A Not only did I disapprove of the persecution, but I prohibited it in my gau.

Q Were not in fact the unions abolished? Did not the political leaders approve it?

A The political leaders, with me, in the German Labor Front, saw the development for a great unified labor organization. If there were any doubts, the social achievements for the German worker caused them to disappear.

Q Were the political aims thus realized not contained as aims in the book "Mein Kampf", and thus generally known and approved by the leaders?

A The book "Mein Kampf" was certain known to part of the political leaders. Also the party program. The opinion about both in the Nazi party was like in any other party, that one approved some points. They are the reasons for joining. The other points do not interest one, and the third group of program points are even rejected. And also in the NSDAP as well, there was a discussion and argument for the final aims of the party, and this process was by no means completed.

Q Were there various tendencies?

A In ordinary questions of interpretation of the program points, yes.

Q What groups were they?

A I should like to differentiate between three great groups. The Socialistic group, which in my opinion included the most of the members and

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followers. The more Nationalistic group, and a negative anti-Semitic group.

Q What do you mean by a negative anti-semitic group? Is that the Streicher tendency?

A If you ask me, yes.

Q To what party tendency dóyou belong in the party?

A I was and am a Socialist.

Q To what group do the majority of the Reichsleiters belong?

A That is very difficult to say.

Q The Gauleiters?

A The Gauleiters from the industrial area were for the most part Socialists.

Q How about the Kreisleiters?

A That depended on their home district.

Q The same is true of the Block-u-Zellenleiters?

A That is true of the most of the political leaders and for the mass of party members.

Q What is the political influence of the various groups? Socialistic, Nationalistic, or anti-semitic?

A That is very difficult to say. If you speak on influence, I submit that the most of the party members like me believed in the Socialistic tendency of the Fuehrer. But there were men in the entourage who were less interested in Socialism and were more interested in other aims, seems to me probable.

Q Do you agree that the party leadership was Socialist?

A I absolutely agree with the Socialistic aims of the Fuehrer. On the other hand I do not agree with leaving men in leading positions with other ideas.

Q Why did you and other political leaders who did not agree with these aims, why did you not leave these affairs, when you saw the Socialistic policy was going away and the persecution of the church and Jews arose?

A At no time up to the collapse did I or my associates have the impression that the Socialist aims had been given up.

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I have already emphasized that if an old National Socialist has worked almost twenty-five years for a party, it is his duty to fight as long as possible to put through the ends as he understands them and that is not possible outside the party but only within the party. That is one of the essential reasons why I remained in the party.

Q. How were the subordinate Kreis and Ortsgruppenleiter instructed?

A. To answer this question one must make a distinction between the city Gaus on the one hand and the provincial Gaus, on the other hand.

In the city Gau of Hamburg the political leaders were frequently called together and received their instructions orally. For the provincial Gaus this was mostly done, because of the distance, in writing, that is their instructions were issued orally and in writin.

Q. Were the Kreisleiters instructed to the same extent as the Gauleiters or did they receive knowledge of only less important matters?

A. Up to the beginning of the war I do not recall any case in which my Kreisleiters, and I assume it was similar in the other Gaus, did not learn of everything that I knew of. During the war that was somewhat different for reasons of secrecy.

Q. Did the political leaders receive instructions to commit war crimes or to permit them? How abour the lynching of low level flyers?

A. Such orders as you mention were not known to me in a direct form, that is a direct demand. I assume you are speaking first of the newspapter article by the former Reichsminister Dr. Goebbels; second, of the well-known decree of the Reichsfuehrer SS to the police and third of the repeatedly mentioned circular letter of Reichsleiter Bormann.

Q. Yes.

A. These orders were not clearly formulated in the sense of your question. I admit th t an interpretation could lead to a development which then led, in individual cases, to the events described here. These orders came through the Gaustabsamt and were then sent from there to the competent Kreisleiters. The circular letter by Bormann was stopped by me in my Gau and I assume that was done in other Gaus too. In view of the fact and considering the intensity

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of the air warfare and its results, I wanted to keep my political leaders from a dangerous interpretation of this order. In addition, in view of the Goebbel article and in view of Himmler's decree, I sent the Kreisleiters and police presidents orders to the contrary. I hope that similar steps were taken in other Gaus.

Q. What about the treatment of foreign workers? Did you receive instructions tending toward war crimes in that regard?

A. All instructions which I know of in this field refer exclusively to a demand for support of the social welfare work. For me, as a socialist, it was a matter of course that my agents, that is the Labor Front and the Kreisleiters, were instructed to give positive social care to these workers and I inspected the camps to ascertain whether this was done.

Q. What about the events in the concentration camps in regard to foreigners? Did you have instructions to put foreigners in concentration camp Did you know of events in the concentration camps?

A. I assume that the question of competence for the concentration camps is know to the Tribunal. As the supreme political leader of the Gau --

THE PRESIDENT: Dr. Servatius, I do not know what the witness means by that, that the question of competence with reference to the concentration camps is know to the Tribunal.

DR. SERVATIUS: He did not want to say that he, as a Gauleiter, was not responsible for the concentration camps themselves. He only wanted to explain that he will pass over to his responsibility and that he does not wish to give a long explanation on competence. For that reason he said -- I assume the Tribunal is informed on that matter.

THE PRESIDENT: Then, are you saying that you were in charge of the concentration camps or responsible for them?

THE WITNESS: No, by no means.

THE PRESIDENT: Well, what do you mean by the competency for the concentration camps?

THE WITNESS: I wanted to interject or say that I might assume that the Tribunal knows of this competency. If not, I am prepared to explain it briefly

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THE PRESIDENT: Well, will you explain it briefly/

THE WITNESS: Yes.

The concentration camps during their whole history and from their creation and in their management were completely outside of any orientation and influence of the political leaders. They had no powers with reference to concentration camps and no knowledge of what actually happened in them. I myself if I wanted to enter a camp had to have a special written approval from the Reichsicherheitshauptamt. I believe that that is sufficient explanation.

BY DR. SERVATIUS:

Q. Were not flyers lynched and was that not so well known that every political leader knew about it and approved it by remaining in office?

A. I have already stated that in the Gau Hamburg such things did not take place and since I myself learned of such cases only as a prisoner, I must assume that my political leaders, like myself, learned of these things only in captivity.

Q. Was the ill-treatment of foreign workers throughout the Reich not so well-known that every political leader knew about it and approved it by remaining in office.

A. The political leaders were bound to their own districts, especially during the war. They could have an insight only into their phere of activity and what I and my political leaders in Hamburg saw of these camps was only positive. The Kreisleiters had the obligation where there were poor conditions, to take steps to remove them, as well as other officials.

Q. What was the relationship of the political leaders to the state organization, its administration and other arrangements?

A. The functions were completely separate, except in those cases in which one person held both positions.

Q. And what relationship did the political leaders have to the SA and General SS?

A. The SA and the General SS were independent organizations with their own chain of command. The political leaders could ask them to support their work.

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Q. Did the political leaders have any executive powers?

A. Not at all. If they had no state function, as I said, they were exclusively limited to their party sphere.

Q. Could the political leaders give instructions to the Gestapo or the SD?

A. That is shown from the answer to the previous question. In the State Police and the SD the vigilance over their own organizations was even stronger than in other formations; that was as a matter of course.

Q. Witness, what was your relationship to the Fuehrer?

A. In the first years I venerated the Fuehrer. Later on I still venerated him but did not understand him on many points and the measures which are now ascribed to the Fuehrer I would formerly not have considered possible.

Q. Can the political leaders essentially be considered of good faith in believing Hitler an idealist and that they had no knowledge of the extermination of the Jews and other events?

A. In the correct judgment of their functions and their attitude and what they had to know or could know, this good faith must, in my opinion, be granted to the political leaders without reservation.

DR. SERVATIUS: I have no more questions to put to this witness.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken until 1400 hours)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 30 July 1946)

KARL KURT OTTO KAUFFMANN -- Resumed

CROSS EXAMINATION -- Continued

BY SIR DAVID MAXWELL FYFE:

Q. Witness, do you remember Hitler saying in his Reichstag speech on 20 February 1938 :

"National Socialism posesses Germany entirely and completely. There is no institution in this state which is not National Socialist. "

Do you remember these words, or if you do not remember the exact words do you remember the sense of these words being stated by Hitler ?

A. I remember the sense of the words, but not the words themselves.

BY SIRDAVID MAXWELL FYFE:

My Lord, the extract from the speech is in Document Book V, in Document 2715-PS.

BY SIR DAVID MAXWELL FYFE:

Q. Do you agree with the sense of these words ?

A. No.

Q. Do you think it was an exaggeration ?

A. I am convinced that not all institutions were National Socialist at the time.

Q. But you would agree that the vast majority of institutions were National Socialist ?

A. They were about to become National Socialist, but that had not been finished.

Q. So you would agree that what Hitler states as a fact was the aim for which he was working ?

A. Yes.

Q. And the method by which he was working for that aim was through the system of political leadership conducted by the Leadership Corps ?

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A. The objective could be reached only in part by that way.

Q. It was one essential method of possessing Germany in the sense of getting complete control of the minds and hearts and feelings of the population of Germany, was it not ?

A. No, in my opinion, only the beginning.

Q. Only the beginning ? But that was the work which had gone on from 1933 up to 1938, when these words were spoken by Hitler ?

A. That was part of the success of the Party before the seizure of power and after the seizure of power.

Q. Let me just put a few words of Hitler's to show you how he expresses it "National Socialism --" It is the same speech.

"National Socialism has given the German people that leadership which, as a party, not only mobilizes the nation but organizes it."

Is Hitler correct in giving that description of the leadership ?

A. Yes; I would say yes.

Q. Well, now I just want to take the matters which Dr. Servatius has referred to and ask you about the share of the Leadership Corps in them. Let us take the question of the Jews first.

Speaking generally and not with sole reference to your own Gau of Hamburg, did the Political Leadership take an active part in the demonstration of November 1938 ?

A. As far as I found out about that action from other Gaus, I had to gain the impression that such actions had taken place but not at all, with the exception of individual cases, that the men responsible for these actions had been Political Leaders.

Q. Now, if you say, that will you look at Heydrich's order of 10 November.

SIR DAVID MAXWELL FYFE:

My Lord, Your Lorship will find that on page 79 of the Document Book 14

THE PRESIDENT: What page ?

SIR DAVID MAXWELL FYFE: 79, My Lord.

BY SIRDAVID MAXWELL FYFE:

Q. Witness, you will find it on page 96 of the German Document Book.

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If it is not 96, it is 97. Have you found it ?

You see, this was an order from Heydrich issued at 1:20 in the morning of the tenth, and I just want you to look at paragraph one :

"The chiefs of the State Police or their deputies must get in telephonic contact with the Political Leaders (Gauleitung oder Kreisleitung) who have jurisdiction over their districts and have to arrange a joint meeting with the appropriate inspector or commander of the Order Police to discuss the organization of the demonstrations. At these discussions the Political Leaders have to be informed that the German Police has received from the Reichsfuehrer SS and Chief of the German Police the following instructions in accordance with which the Political Leaders should adjust their own measures".

Now, you remember the general instructions were as to the burning of synagogues, the arrest of 20,000 Jews to be taken to concentration camps. and the destructions or appropriation of Jewish property. What were "their own measures" which the Political Leadership were to take with regard to tha

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A. First, May I point out that in the German text of that document, that i the passage which says that the Gauleiter had jurisdiction, is not included. I don't find it.

Q. The point I am asking you about -- we will deal with that in a moment, but what I want to know from you is, what were "their own measures" which the political leaders were to take with regard to this attack on the Jews ?

A. To that I can say the following : I, myself, did not take part in the meeting of 9 November 1938. I was not informed from Munich about the intended action, but I found out on the evening of 9 November from the leader of the Hamburg State Police at that time that an action of that kind was imminen

Q. That is, the leader of the Hamburg State Police was carrying out the instructions, of Heydrich after getting in touch with you. I thought you were able to speak for Gauleiters generally, apart from Gau Hamburg, and I want you to tell the Tribunal what were their own measures which the leadership of the party were to carry out ? I mean you must have heard it discussed afterwards. It says what they were. What were the leaders of the party to do ?

A. The Prosecutor has asked me in the last question, or the question before the last, about my personal experiences. That is why I thought I had to describe them. I myself was informed by the leader of the State Police that action was intended. I gave the orders for the Gau Hamburg, and that is what I was asked about here, that immediately by officials of the state and criminal police the business streets and residential districts of Jews in Hamburg should be secured; that these measures out by Kriminal Kommissar Winke of the Criminal Police, to whom I sent a Gau inspector for his assistance. Besides, after receiving the information by the State Police I immediately called all the Kreisleiters and made them responsible to prevent that action in their regions.

Q. Did you, in your Gau, burn the synagogues ?

A. No.

Q. I want to be exact. Were the synagogues burned in Hamburg ? That is what I should have askdd you ?

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A. During the first night, that was from the 9th to the 10th on the basis of my measures no excesses took place. There were minor perpetrations of an insignificant measure in the night from the 10th to the 11th, and one synagogue in Hamburg was destroyed against my measure, I assume from elements from the outside, by fire.

Q. All over Germany generally, if my memory is right, there were at least 75 synagogues burned. In general, apart from your own Gau, is it not right that following this order of Heydrich the leadership court cooperated with the police to see that synagogues were burned, Jews were arrested, and Jewish property affected and that no-jewish property was left secure ?

A. No order, no directive, is known to me according to which the court of political leaders, even outside of the Gau Hamburg, according to orders, was obliged to take part in that action. I only found out that after the meeting -- that in connection with the meeting of the 9th of November , Reichsminister Dr. Goebbels sent a directive which practically led to perpetrations in individual Gaus, or many Gaus. I also know -- it also came to my knowledge that the chief of the Four Year Plan at that time, a few days after the action at a meeting in Berlin stated that this measure was not in the intentions of the Fuehrer and his own intentions and condemnet it most severely. And on the occasion of that meeting he also mentioned Hamburg as an exception.

Q. You remember that you said a few moments ago to me that this was an occurence which only took place in individual instances. Here is the order of Heydrich, telling the police generally to get in touch with the leadership court so that they could cooperate with the police to carry out his orders, which were, broadly, attack the Jews and see that you don't do any harm to non-Jews while you are doing it. It is quite wrong what you said a few moments ago, that this was an individual matter. The leadership court were brought into this through the order of Heydrich, who was then Himmler's lieutenant -- chief of the secret police, isn't that so ?

A. No, that is not correct. The court of political leaders was not supposed to accept any orders from Heydrich.

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The competency for orders to political leaders was solely in the hands of the Gauleiter, who received his directives from the Fuehrer or from the deputy of the Fuehrer, or also from the party chancellery.

Q. Well, do you remember what took place after that occurrence ? Do you remember a meeting of the party court ?

A. No.

Q. Let me remind you about the party court. You will find that in Document 3063 at Pages 81 to 88 of the same document book. Witness it is page 105.

A. Yes, I have found the page.

Q. You have found the page. Page 81. A meeting of the supreme party cour of the party, and it begins with a report about the events and judicial proceedings in connection with the anti-semitic demonstrations of 9 November 1938. If you look just after it says "Enclosure 2" it reads :
"It was probably understood by all the party leaders present, from the oral instructions of the Reich propaganda director, that the Party should not appear outwardly as the originator of the demonstrations, but in reality should organize and execute them. Instructions in this sense were telephoned immediately (thus a considerable time before transmission of the first teletype) to the bureaux of their districts (Gaue) by a large part of the Party members present." And if you will look on to the next paragraph but one, "At the end of November 1938, the Chief Party Court through reports from several district Gau courts heard that these demonstrations of the 9 November 1938 had gone as far as plundering and killing of Jews to considerable extent and that they had already been the object of investigation by the police and the state prosecutor."

And then after that it says "The deputy of the Fuehrer agreed with the interpretation of the chief party court, that known transgression in any case should be investigated under the jurisdiction of the party :
1. because of the obvious connection between the events to be judged and the instructions which Reich propaganda director, Party member Dr. Goebbels, gave in the town hall at the social evening. Without investigation and evaluation of this connection a just judgment did not appear possible.

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This investigation, however, could not be left to innumerable state courts."

And then paragraph 2 says that matters which concerned the vital interests of the party should also receive party clarification first and that the Fuehrer should be asked to cancel the proceedings in the state court. Now if you look on -- I don't want to take too much time -- you will see that there were then sixteen cases which came up before the supreme party court, and the first three cases are matters -- oh, yes, there is just one point I should have drawn attention to. Just before you come to the first case, Gauleaders and group leaders of the branches served as jurors at the trials and decisions. The decisions which, for reasons to be discussed later, contain in part only the statements of the facts, are attached.

The first three cases, which come from Hess, Niederwerrn, and Linz, are concerned with theft and rape. They are allowed to go on to the state courts. The next 13 which come from all over Germany, very different places like Heilsberg, Dessau, Lesum, Bremen, Neidenburg, Eberstadt, Luenen, Aschaffenbur , Dresden, Munich, and all over Germany. There are 13 cases f murdering Jews. Two of the perpetrators get the very mild sentence of a warning and not being able to hol public office because of disciplinary vio lation, and the remaining 11, the proveedings are suspended against them.

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Now, I just want you to look at 102. If you will look at 6; that is, the shooting of a Jewish couple called Goldberg; No. 7, the shooting of the Jew Rosenbaum, and the Jewess Zwienicki; No. 10, shooting the Jewess Susanne Stern; and there is No. 5. No. 5 is the shooting of the 16-year old Jew, Herbert Stein.

Now, you say that you did not deal with any of these situations yourself, is that so?

A Yes; I have explained very clearly that I gave orders to the contrary in my Gau.

Q Yes. I have asked you, as I said at the beginning - I want you to tell the Tribunal about it generally -- how it is that the Court of your party, which is supposed to deal with the discipline and decency of its members, passed over 13 cases of murder with two suspensions from public office in three years, and the remaining 11 cases with all action suspended. Don't you think that that was a disgraceful way to deal with murder?

A May I first answer, Mr. Prosecutor, that among the 13 cases which have been quoted here, there is one single political leader. The clear --

Q Well, you are not right, you know. Cases 9 and 10 involve Ortsgruppenleiter; case 11 involves a Blockleiter. It is true that cases 2 to 8, 12, and 15 involve people with various ranks in the SA, and cases 11, 14 and 16 involve cases with people in the ranks of the SS. But usually I think you willfind that cases 9, 10, and 11 involve the political police leadership. But that is not my point, witness. My point is this.

Here are these members of the Party brought up before the Court of the Party, and the Court of the Party is condoning and conniving at murder. That is my point, and I want you to give your explanation as to why you connive and condone at murder.

A I am seeing this document which has been submitted to me for the first time since I was brought here as a witness to the Palace of Justice in Nurnberg. On the basis of my attitude toward the Jewish question and my measures, I do not approve under any circumstances of the handling of the cases such as is mentioned here. I would neverhave approved of it if I had found out about it.

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Q. But, witness, if that is your personal view, then let us leave your personal viewfor the moment. The Tribunal are considering the Leadership Court of the Party. Here is the highest court of the Party. If the highest court of the Party gives decisions of that kind of which you intensely disapprove, doesn't it show that the highest court of the Party was rotten to its foundations?

A. The highest court of the Party would have had to strengthen itself against the Fuehrer who was the creator of that action which has caused all these perpetrations, and had to see that the creator of that action was called to account. And that was apparently missed by the Party Court.

Q. I am not going to take it in complete detail; but I just want you to look at one paragraph of the explanation which the Party Court gives. The full explanation is there, on Page 87.

My Lord, that is the second paragraph.

Will you turn to that? I am not sure where that will be. It will be a few pages on; 112, I think, witness. I just want you to try and help us on this point. Have you got a paragraph that begins, "Also in such cases as when Jews were killed without an order (enclosures 13, 14, and 15) or contrary to orders (enclosures 8 and 9) ..."? Now, mark the numbers --

A. No, I do not find that paragraph.

Q. Would you try at Page 113? The sergeant will help you.

A. Yes.

Q. Do you see, "Also in such cases" -- it begins -- "as when Jews were killed without an order (enclosures 13, 14, 15) or contrary to orders (enclosures 8 and 9), ignoble motives could not be determined. At heart the men were convinced that they had done a service to their Fuehrer and to the Party. Therefore, exclusion from the Party did not take place. The final aim of the proceedings executed and also the yardstick for critical examination must be according to the policy of the Supreme Court, on the one hand to protect those Party comrades who, motivated by their decent National Socialist attitude and initiative, had overshot their mark, and, on the other hand, to draw a dividing line between the Party and these elements who for personal reasons basely misused the Party's national liberation battle against Jewry . . ." -- do you say that it is decent

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National Socialist attitude and initiative to murder Jewesses and children of 16?

A My opinion of these things is quite clear. I objected to that action; I have always objected to it, and I do not approve of the point of view of the Party Court in this question at all. I am convinced that the great majority of the Party members is of the same opinion.

Q But is must mean, must it not, witness, your own denunciation must mean that on the Party Court there were a number of men who were completely devoid of any moral sense whatever; is that so?

A I cannot accept this far-reaching characterization. I personally never had anything to dowith the Supreme Party Court, and as far as decisive measures and judgments were concerned, I never had any intimate connection with them.

Q I do not want to take time in trying to persuade you to condemn your old colleagues too highly, and therefore I will leave it at that, if you agree so far that you disapproved strongly of the action that was taken by that Party Court. I think you said that. If I understand you correctly, I shall not go into it further. Is that right?

A The opinion of the Party Court in this document, that is what I disapprove of.

Q Now, I just want to show you that that was not an isolated example, and -- My Lord, if Your Lordship would be good enough to turn to Page 45 of the same book -- no, My Lord, it is Page 46, I am sorry; and My Lord, the document begins on Page 45, but actually what I would like your Lordship to look at is on Page 47-- It is either on Page 50 or 51, witness, in the German copies.

Now, that is a document dated the 7th of June, 1933, issued by the Gaupropagandaleiters of the Gau Coblenz-Trier. You will see that it is issued to all Kreis directorates, and the subject is "Jew baiting". The first paragraph says that they will receive a list of Jewish firms and businesses, and the second paragraph says:

"Jew baiting

"The district directorate will set up a committee which has the task of directing and supervising the communities in the whole district. The

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strength of this committee will be determined by thedistrict director. You are to inform the Gau-propaganda directorate at once of the committees named. The Gau-propaganda directorate will then set itself in coordination with these committes thruugh you."

Then it goes on to suggest a considerable of measures against Jews, including refraining from trading with them, and action against anyone who does trade.

Now, that just happens to be a document which we captured from the Gau-Coblenz-Trier. I want you to tell us justhow that fits into the Party machinery. That goes from Gau-propaganda to Kreis; then, I suppose, when the Party leaders in the various Kreis would set up their committees, they would employ the Ortsgruppenleiter, or the Zellenleiters and the Blockleiters to form these committees. Is that how it would work?

A The document which I have before me is a copy of a radio message. I do not know that it was common usage to send such directives by radio in 1933. I submit that if this message was received, it was a measure in the Gau Coblenz-Trier, for which, to my knowledge, a basic directive did not exist.

. But you are not suggesting that out of the 42 Gaus, Coblenz-Trier is the only Gau in which there was Jew baiting in 1933, are you?

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A. No.

Q. But what I asked you was, assuming the instructions from Gau carried out the instructions from the Kreis, would these be formed out of the Zellenleiters and Blockleiters use of the various forms of the Kreis?

A. If this document which I have before me is genuine, then I have to assume that from the document.

Q. Yes, assume that it is a verified captured document. Am I right in assuming that the Kreisleiters of Coblenz-Trier carried out these documents and did they form the Jew baiting committees out of the Zellenleiters and Blockleiters?

A. Under no circumstances was that method common usage throughout the Reich.

Q. If that's your answer I won't occupy the time. I just wanted to show what happened in 1933 and 1938. We will now take something that happened during the war. My Lord, if you will be good enough to turn to page 27 and 28. Page 27 -- and to 29 and 30, witness.

A. Yes.

Q. You see that it is a document issued on the 5th of November 1942 regarding jurisdiction over Poles and Eastern Nationals, and you can see that the jurisdiction is to be placed over . . . if I may just read the first paragraph to you to explain it.

"The Reichsfuehrer SS has come to an arrangement with the Reich Minister of Justice Thierack whereby the Justice waives the execution of the usual penal procedure against Poles and Eastern Nationals. Those persons of alien rave are in future to be handed over to the police. Jews and gypsies are to be treated in the same way. This agreement has been approved by the Fuehrer."

And then it goes on to explain that the reason for the handing over of the Poles and for not giving them a trial is, you see that in paragraph 2, because "Poles and Eastern Nationals are alien and racially inferior people living in the German Reich Territory."

I would like you to look at the end of it where it develops the fact that considerations for trying Germans do not apply to considerations for trying

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Eastern Nationals. Then paragraph 3 says, "Above expositions are for personal information. In case of need, however, there need by no hesitation in informing the Gauleiter in suitable form." My Lord, it is the last sentence of the document, that " there need be no hesitation in informing the Gauleiter in suitable form."

Now, tell the Tribunal, witness, how did the Gauleiters come in to denying Eastern Nationals a trial and handing them over to the Poles. What had he to do with it.

A. First, this document refers, in the beginning, to a directive by the Reichsfuehrer SS to the subordinate offices. That is to say, not to the Gauleiter. Secondly, the persons who received that document could have decided to instruct the Gauleiters if they deemed it necessary.

Q. That's what I want you to help us on. How did it become necessary for these Polish officers and the officers of the R.S.H.A. to instruct the Gauleiters in refusing a trial. What I want you to tell the Tribunal is how the Gauleiters came into it unless they were helping the Poles to perpetrate this injustice like many others. How did they come into it?

A. The Gauleiters did not have anything to do with it at all. With the permission of the Tribunal, I would like to mention my own personal experience

Q. I would rather not. I am not interested in your experiences. What I am interested in is why the Poles should be instructed to inform the Gauleiters if necessary? Tell us the sort of circumstances in which the Poles would to to the Gauleiters -- that's what I want to hear.

A. I don't know anything about that. The Gauleiters did not participate in these matters.

Q. So it is your answer that you cannot tell the Tribunal. You cannot imagine any circumstances which would cause Herr Streckenbach to send these instructions to the High SS and Head of Police and one-half dozen Polish districts? You cannot think of anything that would cause that paragraph to come in?

A. I have already said that the writer of that document leaves to those who receive it whether they want to instruct the Gauleiters or not.

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Q. Alright, let's look at something else.

My Lord, if your Lordship will turn to page 24. Witness, it is 26 -- page 26 in your book. Now, that is a report from Herr Abetz who was the Reich Ambassador in Paris and it has a very large distribution to the Foreign Office and other places, and it is dealing with Jews who had left Austria and had not changed their Austrian passports for German passports, and also Reich German Jews who had not reported when they were abroad. I want you to look at the end of the first paragraph where Abetz says:

"Suggest for the future a collective expatriation procedure for the occupied territory of France based on lists made here in agreement with Hoheitstrager in which should be listed primarily the members of the following groups:" And then he has listed the ex-Austrians and Jews who have not reported.

A. May I ask where the word Hoheitstrager is to be found?

Q. You see the Number 1 -- well, about three lines before that.

A. Yes, I found it.

Q. "Suggest for the future a collective expatriation procedure for the occupied territory of France based on lists made here in agreement with Hoheitstrager (High Party Leaders) in which should be listed primarily the members of the following groups."

Now, is Herr Abetz suggesting that the Hoheitstrager should make the lists of the Jews who have not complied with the regulations, and therefore are to be expatriated from comparative safety in France and brought into the Reich where, in 1942, they would probably take a journey into the East and then be gassed? Now, is that a normal type of duty which the Hoheitstrager did -- to make lists of offending Jews for the Reich authorities?

A. First, this is concerned, apparently, with the Hoheitstrager of the organization in Foreign countries, the Ausland Organization.

Q. Yes, that is evident from the word here.

A. To me, as Gauleiter, I have never been asked to perform such services and if one asked me to perform them, I would have refused to do so.

Q. Just one other point on the Jews. Would you look at Die Lage?

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My Lord, this will be GB-534. My Lord, there are copies of the relevant extracts. Die Lage is the situation report giving the military political situation of the day, and you will see, if you will just look back at the beginning, witness, for a moment, if you will look back to the front. Would you be good enough to look back to the front? You will see that it is for August, 1944, and it begins with an article by the Defendant Doenitz on sea-warfare. Now, you notice that at the front it is referring to Hoenge which, I understand, is somewhere near Aachen. NSDAP Hoenge. Now, did you get that? Did you get the Die Lage?

A. Yes.

Q. Well now, justlook at page 23, 23 deatling with the Jewish problem in Hungary. "It was a matter of course that the German offices in Hungary did everything possible after March 19th to eliminate the Jewish element as rapidly and as completely as was at all possible.. In view of the proximity of the Russian front, they commenced with the cleaning up of the north-eastern area -- North Transylvania and the Carpathian province -- where the Jewish element was the strongest numerically. Then the Jews were collected in the remaining Hungarian provinces and transported to Germany or German controlled territories. 100,000 Jews remained in the hands of the Hungarians to be employed in Labor battalions."

And then it tells how the question of the slight difficulty of the definition of "Jew" in Hungarian Law.

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It goes on to say, towards the end of the first paragraph : "Up to the 9th July approximately 430,000 Jews from the Hungarian provinces had been handed over to the German authorities. The handing over takes place on the Hungarian national frontier, up to which the carrying out of the measures against the Jews, and with it also the responsibility for it, is a matter for the Hungarians."

Then I would like you to note the next paragraph, difficulties at Budapest. It says : "At the last stage of the measure against the Jews, the Jews from Budapest were to be deported. It is a question of approximately 260,000. But in the meantime pressure from enemy and neutral countries (Hull --"I suppose that is Mr. Cordell Hull--" the King of Sweden, Switzerlsnd, the Pope) had become so strong that those circles in Hungary that are friendly to the Jews attempted to influence the Hungarian government to prevent any further measures against the Jews".

Now witness, whoever else in Germany was ignorant about the action taken against Jews in Hungary, everyone who got "Die Lage" knew what the Germans were doing with regard to the Hungarian Jews, did they not ?

A. I have to dissappoint the Prosecutor, because I myself see that magazine today for the first time. I do not deny that it may have been sent to me but I never read it, perhaps because I didn't have the time. However, if it was read in other circles of the Party, I could not say. I myself find out in this form about the measures against the Jews here for the first time.

Q. Well, just let's get the distribution of "Die Lage". It may have been bad luck that you didn't read it -- or good luck; but still, it went to all Gauleiters, it went to all Army and Navy and Air Force Commands. Did it go to the Kreis and the Ortsgruppenleiters ?

A. May I ask the Prosecutor to tell me from where that can be seen ?

Q. I am asking you whether that is not right. You know it as well as I do, don't you thatit went to all Gauleiters and to Army Commands ?

A. I have just told the Prosecutor that it is for the first time that I see this book here. It may have been sent to me but I have never seen it before and never read it.

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Q. You never read it at all, do you say ?

A. I do not know the magazine "Die Lage" and I see it for the first tim here today.

Q. So that you can't say whether there was any distribution to Kreisleiters or Orstgruppenleiters ?

A. I believe that this distribution is very probable because my attitude to the Jewish question was very well known and my Kreisleiters would have pointed out that article to me; I am quite certain of that.

Q. But, as I understood you a few moments ago, you said that it was quite possible that you might have got "Die Lage" but you hadn't read it ?

A. Yes.

Q. Why did you think it was quite possible that you might have got it if there wasn't a distribution to Gauleiters ?

A. I have not asserted that there was no distribution. I just asked the Prosecutor to tell me from where it can be seen that the Gauleiters received that magazine.

Q. Well, you see, I have referred you to the front page, to what was put on the copy which we happened to capture. It has got "NSDAP Hoengen". It doesn't look as if it was a very restricted distribution if it got to the NSDAP. I am right, am I not, that Hoengen is a village near Aachen; is that not right ?

A. I don't know, whether that is a village near Aachen. What I see here is a note in handwriting. How that was made I can not judge. I see that periodical today for the first time.

Q. All right. Well, we must'nt take up too much time. I will take you on to another point which Dr. Servatius referred to. I want to ask you just one or two questions about the lynching of Allied airmen.

SIR DAVID MAXWELL FYFE: My Lord, if your Lorship will look at page 41 of the Book.

Q. Witness, it is page 43 for you. That is an order signed by the defendant Hess, of the 13th of March, 1940.

SIR DAVID MAXWELL FYFE: My Lord, it is Document 062-PS, USA Exhibit 696, and the subject is :

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Instructions to the civilian population regarding appropriate behavior in case of landings of enemy planes or parachutists in German territory. It syas : "The French civilian population was directed officially and by radio how to behave in case of landings of German planes. On account of this fact the Commander in Chief of the Air Force has requested me to instruct the civilian population correspondingly by means of party channels. The attached direction as to procedure are to be disseminated only orally via district leaders (Kreisleiters), local municipal leaders (Ortsgruppenleiter), cell leaders (Zellenleiters), block leaders (Blockleiter), leaders of the incorporated and affiliated organizations of the party. Transmittal by official orders, posters, press or radio is prohibited." Then it says :"Official Stamp : Top SEcret." And the various matters, instructions as to the treatment of top secret documents.

Nowif you will look on to the next page where the document occurs, it says : 1. Planes to be put under protection; 2. The airmen are to be arrested at once and restarting or destruction prevented; 3. No looting or taking of souvenirs. Now look at Paragraph 4. "Likewise, enemy parachutists are immediately to be arrested or made harmless.

SIR DAVID MAXWELL FYFE: My Lord, I think that is a better translation of "unschaedlich gemacht."

BY SIR DAVID MAXWELL FYFE:

Q. Now, what was ",aking harmless" -- murdering ?

A. The expression "unschaedlich gemacht" in this connection is a bad selection in my opinion, a dangerous selection, According to the situation of this period and since that letter emanated from the deputy of the Fuehrer Hess whose absolutely humane and decent attitude was well known.

Q. Well, you see it is used. You have already got "arrested". The "made harmless" must be something different from "arrested". Don't you think, on consideration, that the ordinary Blockleiter to whom this message was orally given would take it that he was to murder the parachutist if he couldn't arrest him ? What is the purpose of all this secrecy if "unschaedlich gemacht" has not that meaning ? Why have you got about fifteen different provisions as to the secrecy of this order if it didn't mean murder ?

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There's nothing else secret in the order, is there ? Nothing else that you couldn't put in the hands of a Sunday school ?

A. The order contains other points, too, aside from Point 4. I state that, according to the situation of that time, the incriminating expression "unschaedlich gemacht", that is there was any resistance they should be made harmless, but I admit that without an interpretation to those who received that order there may be some danger in the choice of words.

Q. Well, now, that is the defendant Hess. Now just look at Himmler's order of the 10th of August 1943.

SIR DAVID MAXWELL FYFE: My Lord, Your Lordship will find it on Page 89 and it is 116 or 117 of your document book.

Q. That is sent on the 10th of August, 1943. It is sent at Himmler's request by one Brand, an SS Obersturmbannfue rer, and you will see that again -- look at the orders for distribution :

"At the request of the Reichsfuehrer SS I am sending you the enclosed order, with the request that the Chief of the Regular Police and of the Security Police be informed; they are to make this instruction known to their subordinate offices verbally. In addition, the Reichsfuehrer SS requests that the Gauleiters concerned be informed verbally of this order. It is not the task of the Police to interfere in clashes between Germans and English and American terror fliers who have bailed out."

Why, again -- why were Gauleiters to be informed verbally if it wasn't that they were to connive at the murder of the airmen ?

A. The intention by this order is not clear to me. I also received that order through the Higher SS and Police Leader and I passed it on to the Party; that is to say, the Kreisleiters, to have it passed on to their subordinates and to presidents of police; and I issued the order that, under all circumstances, the flyers should be captured, not maltreated, and should be turned over.

Q. But that wasn't what the order said, you know, if you passed it on. The order said that the police were not to interfere in clashes between Germans and the flyers.

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In other words, they were to stand aside and let the flyers be lynched. If you passed that on, that meant that the Leadership Corps were going to to assist and encourage no interference with lynching of Allied airmen, That is what it comes to, isn't it ? Well, now, I just want to remind you, that wasn't the end.

SIR DAVID MAXWELL FYFE: My Lord, if your Lordship turns to Pages 39 and 40 -- that is 41, witness, in your document book. That is on the 30th of May, 1944.

THE PRESIDENT: Did not the witness say then that, according to his understanding, these terror flyers were to be arrested and turned over ?

SIR DAVID MAXWELL FYFE: Yes, My Lord. That is quite diffferet from the order.

THE PRESIDENT: Yes, but to whom were they to be turned over ?

BY SIR DAVID MAXWELL FYFE:

Q. Witness, to whom did you understand were the terror flyers to be handed over according to your orders ?

A. The political leaders, if they participated in the arrest, were to turn over these captured flyers to the police and the police were supposed to turn them over to the Luftwaffe office in question.

Q. Your orders were that the political leaders who participated were to hand them over to the police. Was that the Ordnungspolizei or the Sicherheitspolizei ?

A. To the Ordnungspolizei.

Q. Well, now the next order is one of Bormann's on the 30th of May 1944 and you will find it on Page 41.

SIR DAVID MAXWELL FYFE: It is page 39 of your Lordship's.

Q. You will see the first paragraph says :"In the last few weeks low-flying English and American flyers have repeatedly shot children playing in squares, women and children at work in the fields, peasants plowing, vehicles on the highways, trains, from a low altitude with their aircraft guns, and have thus murdered defenseless civilians -- particularly women and

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children-- in the vilest manner. Several instances have occurred where membe: of the crews of such aircraft who have bailed out or have made forced landings were lynched on the spot immediately after capture by the populace which was incensed to the highest degree. No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents." And you will see that that goes to Reichsleiter, Gauleiter, and Kreisleiter, and you will see that on the next page :"The leader of the Party chancellory " -- that is Bormann "requests that the local group leaders (Ortsgruppenleiter) be instructed concerning the content of this circular letter orally only."

A. That order by Bormann is well known to me. I had it stopped by the Gau Staff Chief, and beyond that, for reasons of particular care on the basis of this letter, I issued the order which I have mentioned here to Party and Police as well; that is to say, when I speak of Police, the police chiefs, Polizeipresident, or some casualties, such as are mentioned here, also occurred in Hamburg.

Q. But you don't dispute, do you, witness, that the purpose of that order was to encourge everyone down to Ortsgruppenleiter not to interffere with the lynching of airmen ?

A. No, this can be seen clearly from the wording --

Q. I sm not going to argue about a written document. I prefer to show you how it was interpreted in another Gau. Would you turn to Page 27 --

SIR DAVID MAXWELL FYFE: I f Your Lordship will be good enough to turn to page 25 you will find the Document L-154, USA-335

BY SIR DAVID MAXWELL FYFE:

Q. That is the Gauleiter Service, 25 February 1945, for Southern Westfalia: The Gauleiter and National Defense Commissioner of the Gau Westfalen-South signed by one Hoffmann, and there is a distribution to County Counsillors, Kreisleiter, and Staff Chiefs of the Volkesturm. It says :"Fighter-bomber pil who are sh t down are on principle not to be protected against the indignation of the people. I expect from all police ffices that they will refuse to lend their protection to these gangster types.

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Authorities acting in contradiction to the popular sentiment will have to account to me. All police and gendarmerie officials are to be informed immediately of this my attitude." Signed, Albert Hoffmann.

It is quite clear that in some Gaus it was interpreted as a direct order to hold off and not interfere in any way if these flyers were being lynched.

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However, you say that in the Gau Hamburg you gave orders that they were to be handed over to the police.

A That can be seen from the document and that it occurred in several Gaus ----- I have to submit according to the experience of the last two months, information received, but I am convinced that in some Gaus it was handled the same way as in mine.

Q Witness, there is one point there I would like you to explain to the Tribunal, though it is not strictly on the Leadership Corps. Why would an SA Obersturmbannfuehrer initial that document in 25 February 1945; why would he be initialing it?

A I did not understand the question.

Q If you look at your page 27, you will see that it is initialed by Buckenmueller, SA Obersturmbannfuehrer and County Staff Chief of the Volkssturm; why would he be initialing it?

A That I don't know, because ---

Q I won't trouble you. Now, I want to take the next subject and again, I hope, deal very shortly with what Dr. Servatius mentioned -- the churches. Do you agree that it was the general policy of the Nazi Party to do everything in its power to weaken the influence of the Christian churches?

A No.

Q Well, now, would you look at page one of that book. It is page 7 of your book and page one of the English book. That is dated the 12th of December 1941 and it deals with a secret decree of the Reichsleiter Bormann regarding the relationship of National Socialism to Christendom. If you would look at the first paragraph, that deals with the finding of this decree, a copy of a letter on the "relationship" , in the papers of a Protestant priest called "Eichholz" at Aix-la Chapelle, which is supposed to originate from Reichsleiter Bormann; and then the second paragraph says:

"As far as this document is concerned it does, in fact,

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as I have ascertained, represent a secret decree of the Party Chancellery signed by Reichsleiter Bormann, in which Reichsleiter Bormann clearly points out that National Socialism and Christendom are incompatible and that the influence of the Churches in Germany, including the Protestant Church, must be eliminated. The decree was addressed to Gauleiter Dr. Meyer at Munster on the 6th of June 1941." And then it gives the reference.

"I have ascertained that on the 7th of June 1941, the decree was also sent to the remaining Gauleiters...." and it says that since this first paragraph of the circular decree addressed to all Gauleiters is missing from the document in pssession of Priest Eichholz, it appears it was known to the church.

Now, do you remember getting the decree of Bormann about the 7th of June 1941? If you can't remember the decree, you will find it in the next two pages and I just remind you of one or two of the worst pieces in it. At the end of the second paragraph it says: "Our National Socialist ideology is far loftier than the concepts of Christianity, which in their essential points have been taken over from Jewry. For this reason also we do not need Christianity." And it says that if the youth doesn't learn about it, Christianity will disappear; and then there are some very odd utterances and you talk about a vital force; and if you will look towards the end of Bormann's document, it says in the third from last paragraph:

"For the first time in German history the Fuehrer consciously and completely has the leadership of the people in his own hand. With the party, its components and attached units the Fuehrer has created for himself and thereby the German Reich leadership an instrument which makes him independent of the church And it goes on to develop that and if you will look at the penultimate paragraph, in the second sentence, it says: " Just as the deleterious influences of astrologers, seers and other fakers are eliminated and suppressed by the state, so must the

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possibility of church incluence also be totally removed." Now that it is recalled to your memory, I shouldn't think that you should have forgotten a decree couched in such, shall we say, extraordinary language as that; do you remember it?

A Yes.

Q Do you still say that the National Socialist Party leadership was not doing everything in its power to attack christianity?

A Yes. In this case, we are concerned with a statement by Bormann which, to my knowledge, a few days after, upon orders of the Fuehrer, had to be withdrawn as an individual opinion of Bormann.

Q That can't be so, because if you notice, the decree was issued on the 7th of June and this decree which, after all, is going to the RSHA, to Mueller, is the 12th of December, which is six months after the decree was opened and there is nothing in that decree about it being withdrawn. Surely, if it had been withdrawn on the 14th of June or there would have been something in this decree to the security service and intelligence office of the Reich, surely they would have enough intelligence and information to know that a decree had been withdrawn six months before.

A I am speaking here under oath and I say that this decree has not only been formerly withdrawn but that it had to be sent back, in fact.

Q Well, how do you account for the fact that the Security Police never heard about its being withdrawn -- and we discuss it in detail -- let us take it in that way. I don't know if you had heard or you may have read that the defendant Fritsche here said that "even Goebbels was afraid of Bormann," so isn't it correct that Bormann was a man who had great influence, especially in the last years?

A That is correct but it is not correct that there were many who were not afraid of him.

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Q But there would be many who would be influenced if Bormann was to give an anti-Christian lead to the National Socialist Party, would there not?

A There, we can only be concerned with young and new forces in the Party.

Q Well, I will only take two examples and we will try to take them well-spaced out. I suggest to you that yours is typical. Let me take one -- in 1935.

My Lord, it is document P S-1507 and it is a new document.

I can't remember, witness, whether you are a Catholic or a Protestant. I have no ulterior motive. I am going to deal with an incident in a Catholic church. Of which are you?

A I belong to the Catholic church.

Q I take it quite surely you will follow it. You will know who the people are and so forth. This is an incident on the 27th of March 1935, when Cardinal Faulhaber was preaching in the cathedral at Munich and the local branch of the party wanted to take a record of the sermon in case His Eminence was saying anything which might offend the Party and they did so by breaking one of the windows of the church and inserting a cable which would pick up the sound so a record could be taken and there were various happenings and a lot of discussion with which I shall not trouble the Tribunal but one of the priests of the cathedral brought the incident to the attention of the local Wehrmacht Commander and it is with regard to what he says in relation to the functioning of the Leadership Corps that I want to draw your attention. You may take it from me that that is the general incident which is described at great length and which have accussations of exaggeration on both sides and, therefore, I am only going to take you to the passage in which the local commandant deals with the situation.

My Lord, it is at the bottom of page four. My Lord, it says "Page 5, continued at the top." Has Your Lordship got that?

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THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: My Lord, it is on the bottom paragraph on page 5. This is after the occurrence when the Wehrmacht officer is making his report; he says:

"On Monday, February 18, there came to the house of paymaster official Grueber the Kreisleiterin leader of the district of the Nazi Party Women's Organization Mrs. Dr. Dreis and asked the wife of paymaster official Grueber to come immediately with her to the Dom to listen to the sermon of Cardinal Faulhaber implying that this was Mrs. Grueber's duty as a member of the party and the Nazi Party Women's Organization. Mrs. Grueber's objection that she was a protestant was rejected as unimportant; instead it was ordered that every member of the Nazi Women's Party Organization has to attach herself to a Storm Trooper in civilian clothes, in which way they would be considered as audience and not as sent out party members. There is no doubt that this measure shows the intention of disturbance of the service and the bringing about of violent scenes." And on that, the Wehrmacht officer, very wisely you may think, told her to rely on the fact that Herr Grueber was a paymaster or something of that sort and she needn't be mixed up with the Party matters. But what I want to ask you about is this: The Kreisleiterin leader of the district women, she would be the women's leader on the Kreisstaff of the Party, wouldn't she? If I am wrong, correct me. Is that her position?

A Yes.

Q And she wouldn't have taken that action of collecting the women of Munich to come and form a group, when Cardinal Faulhaber was preaching, without the orders of the Kreisleiter, would she? She wouldn't, would she? It must have been on the Kreisleiter's orders; is that not so?

THE PRESIDENT: Answer the question, please.

THE WITNESS: The event described to me is completely unknown to me and I cannot really imagine that a serious man - in this case a Kreisleiter - should give an order which in its

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effect would turn against the Party.

BY SIR DAVID MAXWELL-FYFE:

Q What I am referring to, you see, is this: Here is a report of a responsible officer in the Wehrmacht. I think he is regimental commander, and it is counter-signed by his adjutant. He is saying that the Kreisleiterin who is the women's leader, has come to this paymaster's wife and got her to do it. What I am putting to you is: Assuming that Mr. Gruober and this regimental commander are correct - it must do for the moment - assuming they are correct, the Kreisleiterin wouldn't have acted without orders from the Kreisleiter, would she?

A That is probable. In my case, such a Kreisleiter would have been sent away, dismissed.

Q But are you telling the Tribunal that --

THE PRESIDENT: Sir David, I think this document speaks for itself.

SIR DAVID MAXWELL-FYFE: If your Lordship please, I think so. My Lord, I am only going to give another example. I have to deal with just the points raised by Dr. Servatius and limit the examples as much as I can.

THE PRESIDENT: Perhaps we better adjourn now.

(A recess was taken.)

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THE PRESIDENT: Sir David, The Tribunal thinks, with reference to any documents which you may have, perhaps it would save time if they aren't documents made by the witness who is in the box, if you would just put the documents in without the cross-examination.

SIR DAVID M. PYPE: I will do it. It will save time. I will welcome this. I will be glad to do as your Lordship suggest. It suits my purpose.

DR. SERVATIUS: Mr. President, the introduction of new documents as evidence, is, in my opinion, inadmissible, for I have no opportunity to comment on them since I have finished with my evidence. My witness has been examined. I don't know how I can answer them.

THE PRESIDENT: I am sure Sir David will let the counsel for the defense to re-examine them at that time, he can reply on the document later.

SIR DAVID M. PYPE: There are copies available and will be given to Dr. Servatius right away. The last one I was going to refer to is Document D-901, which is a new document. That contains four reports by Obergruppers. I should have said 536.

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THE PRESIDENT: You gave a numer to that other document, did you, th. other one you put in? Wasn't there another new document you put in, 1507-PS?

SIR DAVID MAXWELL FYFE: GB 535, my Lord.

THE PRESIDENT: Yes, very well.

SIR DAVID MAXWELL FYFE: My Lord, this document consists of four reports from Ortsgruppenleiter and the comments made upon them by the Kreisleiter My Lord, I shall only quote to the Tribunal the first sentence of the first two reports, which will show what they are.

The first is the Ortsgruppe Darmstadt-Schlossgarten, 20 February, 1939, "Point 9 Ecclesiastical questions." I quote:

"As the caretaker of the communal building of the St. Martin's community, Blockleiter and party member Keil informs me that meetings of the Confessional Front are again taking place at the St. Martin's Institute, Hullerstrasse (Ortsgruppe Gutenberg), the public being excluded."

And then he makes his objection to the fact that the Bible Class is being carried on behind closed doors and he mentions the Gestapo.

The second one refers to a statement by an ecclesiastic. That is from the Ortsgruppe Pfungstadt, 17 February, 1939.

"'Whoever leaves the church has different taxes imposed on him', so our already much discussed confessional pastor Strack said once again on the occasion of a mother's evening. This gentleman should really be rapped on the knuckles seriously for once."

And then the third one sends a poem of the Confessional Front and a fourth deals with the continued existence of an Evangelical youth club.

My Lord, the comments of the Kreisleiter, which are on the third page -- I will just read one and two.

"The report of Ortsgruppenleiter Wimmer, St. Martin's parish. The SD, Gestapo and the competent Ortsgruppenleiter will be instructed by me.

"2. I shall request Ortsgruppenleiter Frick, who reports from Pfungstadt, to go to the Kreisleiter tomorrow and shall get him to name his witnesses. This will be notified to you and to the Gestapo (to the latter with a report of the case). The priest Strack is sufficiently well-known and ripe for the concentration camp or the Special Court. His reported statement

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before fellow Germans constitutes an infringement of the law against malice. In any case, the chap must disappear from the territory of the Kreis or Gau."

My Lord, I do not think I need trouble the Tribunal with any more. That is the essential point.

Now, My Lord, I have two documents on slave labor which are also new. My Lord, the first is 315-PS, which will become GB 537. My Lord, that is the minutes of a conference on the treatment of foreign labor, on the 12 March, 194

My Lord, the object of this document is to show that it was a deliberate and general change of policy and if your Lordship will look at the middle of the second paragraph, your Lordship will find the sentence:

"In this instance the hitherto prevailing treatment..." -- now that is the point I want to emphasize -- "the hitherto prevailing treatment of the Eastern workers has led not only to a diminished production but has most disadvantageously influenced the political orientation of the people in the conquered Eastern territories and has resulted in the well-known difficulties of our troops. In order to facilitate military operations the morale has to be improved by a better treatment of the Eastern workers in the Reich."

Now, my Lord, the importance of that is shown when you get that coming into the party channels, which is shown in the next document 205-PS. My Lord, that will become GB 538.

My Lord, you see, that is from a decree of the defendant Bormann. It comes from the Party Chancellery and it says:

"The Reich Propaganda Ministry and the RSHA have together issued a memorandum concerning the treatment of foreign laborers employed within the Reich.

"I request in the attached copy that the necessity for a firm but just treatment of the foreign workers be made clear to members of the party and the people."

And the distribution is to Reichsleiter, Gauleiter, Kreisleiter and Ortsgruppenleiter.

My Lord, on page 2, number one on page 2, the third paragraph on page 2, it begins:

"Everyone, even the primitive man, has a fine perception for justice.

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Consequently, every unjust treatment has a very bad effect. Injustices, insults, trickery, mistreatment, etc., must be discontinued. Punishment by beating is forbidden. The workers of foreign nationality are to be correspondingly informed concerning the severe measures for insubordinate and seditious elements."

My Lord, the importance the Prosecution attaches to this is the word "discontinue" in that directive.

My Lord, as your Lordship sees the two documents together the connec- shows that there is a definite change.

Now, my Lord, the third document is D-884, which will become GB 539 a my Lord, that is dated 28 March, 1944. It is a party order, issued in the Gau Baden-Alsace, issued from Strassburg on 28 March, 1944 and you will see it is headed "Gaustabsamtleiter" and is "Secret" and it deals with sexual intercourse between foreign workers and Germans. And, my Lord, it explains the course that is to be taken with the foreign worker and in the case of a child resulting from the intercourse and, your Lordship, on the top of the second page of the document, it says:

"The following principles exist with regard to sexual intercourse between German men and female foreign workers:

"Should the foreign female worker have been induced to sexual intercourse by the German man (for instance by taking advantage of a condition of dependency) she will be taken temporarily into protective custody and then sent to another place of work. In other cases, the foreign female worker will be sent to a concentration camp only after delivery of the child and the period of nursing. The treatment of the German man concerned is also the subject of special directives. If he has seriously violated his supervisory or educational duties, female foreign workers will be taken away from him and no more sent to him in the future. Further measures, depending on the circumstance of the case, will be taken by the State Police."

It applies to the Polish race, people from the Government General, Lithuania, former Soviet territory and from Serbia.

And then paragraph 2 deals with the child and first of all your Lordship will see at the end of the first paragraph that the heading is:

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"Regarding the treatment of pregnant foreign workers and children given birth to by the same in the Reich." The last sentence in the first paragraph says:

"The procedure for an application for abortion is once more explained below--" and then there are various health and racial investigations.

In paragraph 5 it says:

"If the investigations show that the progency will be racially satisfactory and hereditarily health, they will, after birth, go to homes for foreign children to be looked after by the National Socialist Welfare Organization (that is the party organization) or will be looked after by families.

"In negative cases the children will be lodged in Foreign Children's Nurseries."

And then the last paragraph:

"I request the Kreisleiters to record immediately through the usual channels, in conjunction with the Kreisobmann of the German Labor Front and the Kreis peasant leader, all cases of pregnancy which have already occurred and all children already born. An examination, in accordance with the new directives, of all children of foreign female workers who were taken under the care of the NSV before the issue of the new instructions, is also necessary."

Your Lordship will see the distribution. It is to Gauobmann of the German Labor Front, that is the representative of the DAF in the Gau, Gau propaganda chief, press chief and then the Gauamtsleiter, the person in the office of the Gau dealing with racial policy, national health, the peasantry, national welfare, questions of race, the Gau women's leadership and the Gau Labor Office and then Kreisleiters and the Kreis of the DAF and the Kreis peasant leaders. It goes, also, my Lord, to the Security Police and SD and the Office of the Commissioner for the Reich Commissar for the Consolidation of German Race.

My Lord, I am very grateful to your Lordship for that. It saves a considerable amount of time.

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DR. SERVATIUS: Mr. President, I have a question on the evidence. The last document, 205, which was submitted here, was introduced anew. The witness wasnot questioned on it at all. I had assumed that the taking of evidence had been closed and that no new documents could be introduced by the Prosecution. I ask that this document be stricken out. It should have been brought before the Commission, shown to the witness and discussed, and then I would have had an opportunity for further evidence.

It is a fundamental question which will come up repeatedly. It was not submitted to the witness to test his credibility.

THE PRESIDENT: It was not submitted to the witness because of the order that the Tribunal has just made. In Order to save time, the Tribunal suggested to Sir David Maxwell-Fyfe that he should put the document in in that way. I said -- I understood you to assent to it -- that the document should be shown to you and that you should have an appropriate opportunity to comment upon it.

DR. SERVATIUS: I know the document, but I would like to clear up the basic question of whether the taking of evidence, the submission of evidence by the Prosecution, is closed or whether here during the trial new documents can be introduce.

THE PRESIDENT: The Tribunal considers that the Prosecution can certainly call evidence and use documents if they wish to rebut the evidence which has been called on behalf of the organization.

DR. SERVATIUS: Without showing them to the witness?

THE PRESIDENT: The only reason for not showing it to the witness was that the document was not a document which the witness made, and in view of that it appeared to the Tribunal to be a matter of comment upon the document, and if you have got an opportunity to put the document to the witness yourself or to comment upon the document, you have got a full opportunity to deal with it.

DR. SERVATIUS: Then I would also, if necessary, be permitted to submit a counter-document?

THE PRESIDENT: Yes, certainly. You can ask this witness anything you

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like about the document.

DR. SERVATIUS: Mr. President, the witness was at the end asked less about facts, but there was an argument. I believe I can comment on that in my final statement.

THE PRESIDENT: I did not quite understand what you said then about an argument.

DR. SERVATIUS: The witness was asked about theings which he himself does not know, and the example was told him of events in individual gaus, of which he knows nothing, and he was to draw conclusions as to what interpretation was to be given to the document.

THE PRESIDENT: On general principles, you can ask him anything in re-examination which properly arises out of his cross-examination. If he was cross-examined upon a document, or if the document was put in now, in the way it has been, you can ask him any question upon the document or upon his cross-examination upon the document.

DR. SERVATIUS: Yes; I have a question.

RE-DIRECT EXAMINATION

BY DR. SERVATIUS:

Q. Witness, the document was shown to you, the order of the Deputy of the Fuehrer, Hess, of 13 March 1940. That is in the German Document Book on page 43. This is the instructions to the civilian population on their conduct at the landing of enemy planes or parachutists on German Reich territory. Then you were referred to Number 4, where it says that enemy parachutists are also to be arrested and made harmless immediately. Did you observe that the letter is of the year 1940, and what was the situation in the air of Germany at that time?

A. I no longer have the letter at the moment, but I remember that it was from 1940. In my first answer to this question, I wanted to say that the air situation and the whole war situation would justify only a humane interpretation of this term, as far as mistakes are possible.

Q. Was it not the case that there was a danger that planes would land for espionage purposes and that the words "to make them harmless" were in

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connection with that?

A. In the air war various types of people parachuted -- fliers in emergencies, sagotage agents, agents in civilian clothers, and so forth. To what group this is supposed to refer is not clearly shown by the text.

Q. May I call your attention to the following: In Number 2 it says that fliers are to be arrested immediately and that resistance or burning of the planes is to be prevented. Number 4 says that enemy parachutists are also to be arrested and made harmless. Is not the term "likewise" show that it deals primarily only with arrests?

A. I repeat that the term "unschaedlich", in 1940 in view of the war situation at that time, I would have interpreted to mean only to make them defenceless but in no case to mistreat them or to kill them.

DR. SERVATIUS: I have no more questions to put to the witness.

BY THE PRESIDENT:

Q. Witness, were these Political Leaders paid, paid salaries by the Party?

A. Quite a small percentage -- less than 0.1 per cent were, according to my estimate, paid officials. The majority of them were honorary officials, without pay.

Q. That applies to all the ranks of the Party officials, does it?

A. No. Some of the tasks in the high offices made the free time insufficient to fulfill the necessary tasks in an honorary capacity while at the same time carrying on professional activity.

Q. Were all the Gauleiters paid?

A. After the seizure of power, yes; that is, gauleiters insofar as they did not hold a state office.

Q. And what were they paid -- how much?

A. I myself never received a salary as Gauleiter. Up to 1928 I earned my expenses myself. From 1928 on I was a parliamentary delegate, and from 1933 I was Reich Governor. The cases of most of my comrades were similar.

Q. You mean from 1933 on most of them had state offices which carried salaries?

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A. Yes.

Q. And what about the Kreisleiters?

A. Up to the seizure of power, all Kreisleiters were, on principle, honorary officials without pay.

Q. And after?

A. And later the same was true for years. I estimate that the majority of them, with exceptions, from 1937 or 1938 on became officials and received salaries.

Q. Became state officials you mean?

A. No, not state officials -- Party employees.

Q. And received salaries; I see. And the lower ranks, the Orts-gruppenleiters and the Block leiters?

A. No. From Kreisleiters down they were all honorary officials.

Q. Even after 1933?

A. Yes.

Q. And after 1937?

A. Yes. The most important members of the staff were, in part, paid. The majority of the Kreisleiters' associates were honorary officials. From Ortsgruppenleiters down, including Ortsgruppenleiters, all were honorary, without pay.

Q. From what source were they paid, when they were paid?

A. By the Reich Treasurer of the Party.

Q. And from what source did he get the money to pay them?

A. From the contributions of members of the movement.

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Q. Q. The fuuds of the party were kept separate, were they?

A. The Reich treasurere had a completely separate administration of funds.

Q. Were the accounts of the party published?

A. No. I only know that occasionally at meetings the Reich treasurer occasionally made a brief report. This was not published.

Q. Was there any reference to party funds in the state budget or the state accounts?

A. No. On the contrary, I had the impression that the Reich treasurer, from the Reich insurance, from the dues of members had extremely extensive funds.

THE PRESIDENT: Will you call your next witness, Dr. Servatius?

DR. SERVATIUS: With the approval of the Court, I shall call the witness Kreisleiter Willi Meyer-Wenderborn.

WILLI MEYER-ERNDERBORN, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name?

A. Willi Meyer-Wenderborn.

Q. Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold nothing.

(The witness repeated the oath).

THE PRESIDENT: Sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS:

Q. Witness, when were you born?

A. 24th of June 1891.

Q. You were a Kreisleiter in Cloppenburg (Oldenburg) in Gau Weser-Ems for twelve years?

A. Eleven years in Cloppenberg (Oldberg).

Q. That was from 1934?

A. To 1945.

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Q. And you repeatedly directed the neighboring Kreis Vechta?

A. Yes.

Q. You were one and one half years Ortsgruppenleiter previously?

A. Yes.

Q. Beyond these Kries did you have any insight into conditions in other districts? Speak slowly. You must make a pause.

A. As Ortsgruppenleiter, and later as Kreisleiter I could do that, because I repeatedly met with the political leaders and with the Kriesleiters.

Q. Were you, as Kriesleiter, employed for a salary or on an honorary basis? You must make a pause and then answer.

A. The first half on an honorary basis, and later for salary.

Q. What other political leaders in the Kreisleitung recieved a salary?

A. The Kries fuhrer, manager, the propaganda leader, the training director, and the head of the treasury.

Q. Did the paid political leaders inthe Kries receive special secret instructions?

A. No. Never.

Q. Did they have a better insight into conditions?

A. The got around more than the others, and heard more.

Q. Of what persons was the Kreisleitung made up?

A. First, the main or leadership offices. Those were organization, propaganda, training and personnel, and afterwards the social care and technical offices such as the Kreis peasant leader, the Obmann of the DAF, the head of the NSV, the head of the office for educators, and the head of the office for civil servants.

Q. Were the members of the Kreisleitung, did they become with their appointment members of a corps of political leaders?

A. There was not corps of political leaders. If the party member in question was appointed, when he was appointed he became a political leader.

Q. Do you know of an order from Hess according to hich the desiganation "political organization" or "corps of political leaders" was forbidden?

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A. The designation "political organization" was forbidden by the deputy of the Fuhrer.

Q. As Kreisleiter, you held conferences in the Kreisleitung. Who took part in these conferences?

A. There were two kinds; one, in the narrow circle, that was the Kreis staff, and one in the larger framework, in which representatives of the officials took part and men who were interested in bringing up special matters.

Q. Were the contents of the conference of a purely economic character, or were political questions also discussed?

A. Primarily there were questions of social care for the inhabitants of the Kries. At the end, I mostly give a brief survey of the last few weeks.

Q. Were not critical political questions discussed and instructions given on them which made reference to the removal of resistance against the waging of a war of aggression, for example, instructions on the Jewish question, and the Church question, the union question, and the arrest of political opponents?

A. Special instructions I did not have to give. It was strictly forbidd to carry on out own politics. We hever heard anything about preparations for war. If any measures were to be taken against political opponents that was the affair of the state.

Q. What instructions were given on the Jewish question and what was the aim?

A. On the Jewish question, which did not have any great significance with us in a country Kreis, we dealt primarily with the basic subject, that is, reducing the Jewish influence to a number of Jews corresponding to their total strength in Germany. The struggle against Churches was forbiddne on principle. I did not need to give any instructions on that subject, for my men were all Catholic and had remained in the Church.

Q. How about the Jewish drives on the 9th and 10th of November 1938? What instructions were given in that case?

A. I recieved no instructions, and I faced the accomplished fact.

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Then together with the Landrat I immediately freed Jews who had been arrested, and subsequently I recieved strict prohibition from my Gauleiter to employ political leaders or Party members anywhere, and that was not done by us.

Q. What instructions were given on the question of the unions, and what was the aim there?

A. This measure of the Reichsleiter on the first or second of May was a complete surprise to us, and we ourselves as politicla leaders had nothing to do with it, and no instructions were issued.

Q. What instructions did you as Kriesleiter give regarding political opponents?

A. The treatment of political opponents was primarily the task of the state organizations. If I suspected anyone of being an opponent, I brought about a discussion with him, and as a result I had to take a few measures.

Q. Was there not, in fact, such a close relationship between the state police and the Kreisleiter that, in effect, it could at any time arbitrarily carry out the arrest of political opponents?

A. It would have been good, and when I repeatedly suggested that to the Gaulieter, the Gaulieter Karoew said that these were state measures which were not out business as poli tical leaders.

Q. Witness, you did not understand me. I wanted to ask whether you did not have the possibility to have arrests made on the basis of your close relationship with the state police.

A. No, I could not do that. I had no close relationship with the state police.

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I never had occasion to have these people arrested.

Q. On the orders of the Superior Party Officers, was not a card index of opponents kept ?

A. No; we never kept such a card index.

Q. Did the Gestapo keep such a card index, and did you help them ?

A. I cannot tell you. They never told me about it. I do not know. In any case, I did not help with it.

Q. Didyou not as Kreisleiter demand reports and political judgments on the basis of a domestic card index registration file, and were these not reports of spies ?

A. There was no domestic card index registration file in my Kreis. It was intended to set oneup, but it was never done. I never demanded spy reports, and I would not have received the,. But I asked for reports on the feelings on the effective measures of the States and of the Party.

Q. And what was the purpose of these reports ?

A. We wanted to know what the effect of the new orders on the great mass of the people was.

Q. How did you receive your instructions to the Gauleiter ?

A. I received my instructions in wirting, and also orally.

Q. Did the Kreisleiters take part in conferences with the Gauleiters, and who was present at such conferences ?

A. We did not always take part; only when something was being discussed that especially interested our own particular Kreis. At the conferences of the Gauleitung, the Gauleiter and consultants took part.

Q. What was the content of these conferences ? Did that correspond to what you said a while ago about the Kreisleiter conferences ?

A. It was about the same, only on a larger scale affecting the whole of our Gau.

Q. How were the Ortsgruppenleiters instructed by you ? Was that done in the sense of the conferences in the Gau with Kreisleiters, or were false reports passed on ?

A. After conferences with the Gauleitung, I regularly informed my men about what I had heard there, and I passed that on as my Gauleiter told it to me.

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Q. How was the cooperation of the SS? Were they represented in the Kresi-leitung ?

A. I permitted the SA to take part in our conferences. The local leaders came occasionally and listened to what we were discussing, in general.

Q. Could you give orders to the SA ?

A. I could not give any orders to the SA. I could only ask for its aid through its superior officers for any propaganda measures, labor measures, and so forth.

Q. What cooperation was there with the General SS ? Was it represented in the Kreisleitung ?

A. We had no SS fuehrer. The SS did nothing on its own initiative to be represented in the Kreisleitung.

Q. Didyou have any insight into the measures which the SS took with regard to protective custody and concentration camps ?

A. No, I had no insight into that.

Q. Did you ever attempt to obtain such insight ?

A. Yes. It was about 1935, but I did not succeed in obtaining this insight. A visit to a concentration camp, which I did not want to visit because I expected any atrocities but because it was newto me, was refused.

Q. And what reason was given ?

A. I was to get permission from the Reichsicherhietshauptamt. I told the Gauleitung that because I was not permitted to contact the Reichsicherheit-shauptamt personnally. The Gauleitung then advised against it. because that would be very complicated.

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Q You do not know whether the Reichsicherheitshauptamt was competent?

A I could not say.

Q In your Kreis, did you receive or issue instructions with regard to the lynching of fliers who had made emergency landings?

A We had many emergency landings. I never issued any instructions I never needed to issue any instructions regarding them.

Q But you certainly know the Bormann letter and other documents which deal with this question? Did you not learn of these as Kreisleiter?

A I did not receive the Bormann letter. On the other hand, on the radio I heard the article of the Reich Propaganda Minister.

Q And then what happened in your Kreis? Was any action taken according to what Goebbels said on the radio?

A Wecontinued to act according to the general rules of warfare, and the men who landed there were all treated very well. That lies in the character of the wholepopulation.

Q Did you receive or issue instructions regarding mistreatment of prisoners of war or foreign workers, or did you permit such mistreatment?

A I could not issue instructions for prisoners of war. That was the department of the Wehrmacht. But I saw to it that foreign workers were well treated. And if a beating or some such incident occurred, then I immediately asked for the workers to be removed by the competent agency.

Q Instructions about the unjust treatment of these foreign workers did not reach you?

A No. On the contrary, I was asked to see to it that they were well treated.

Q Was the attitude of the political leaders in your Kreis in time of political crisis an exception, or was that the attitude outside your Kreis, as far as you can judge? Was it generally true?

A Before the war, I had the feeling that the attitude was general, even during the war. And while I was in the Fallingbosten Camp, when I helped to obtain affidavits, I reached the final conviction that what I am telling you here was generally true for those thousands.

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Q You inspected and collected the affidavits?

A Yes.

Q Did you not reject unfavorable ones?

A No, I never did that. There were no unfavorable ones.

Q Then how do you explain the actual facts in these fields in regard to the church question, the Jewish question?

A We never knew of the extent of these matters; and what I did learn was not very much. It did happen that when another man had not forgotten some experience from the struggle period, and he misunderstood instructions, he performed some act out of the ordinary, in a hot-headed manner. But in general we did not experience these incidents, and knew nothing about them.

Q Then none came to your knowledge?

A No.

Q Did not the attitude of the SS, and particularly the refusal to allow you admission to the concentration camps cause any misgivings? Certainly there were rumors about these concentration camps?

A I did not see his refusal to admit me as meaning that they wanted to conceal crimes, but in view of the character of the SS, I assumed that it was a form of self-clarification, and they thought, "This is our business and not the business of the political leaders."

Q Did you approve the actual practice of the Party on all points?

A No, I did not always, and I repeatedly discussed this matter with my own Gauleiters.

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Q. Did you have any serious objections ?

A. No, there were no serious objections, but after this Jewish matter in November, I had to point out what effect they would have for those abroa I had heard that men in high positions did not approve of that at all. That gave me courage to say something myself.

Q. Did you not consider whether you should continue in your office or whether you should resign ?

A. If I had resigned I would not have improved anything. The situation would have became worse for after I had been in the Kreis for 20 years my successor would not have known my men as well, and asit was I could recogniz mistakes and I could compensate for them.

THE PRESIDENT: Is that all you want to ask ?

DR. SERVATIUS: One or two more questions in the morning .

THE PRESIDENT: Well, the Tribunal will adjourn.

(The Tribunal adjourned until 1000 hours, 31 July 1946.)